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SUPPLEMENTARY REPORT TO THE SECOND COUNTRY REPORT OF THE SOCIALIST REPUBLIC OF VIETNAM ON IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Introduction

1. This is an update of the Second Country Report of Vietnam submitted last year on implementation of the International Covenant on Civil and Political Rights, covering the period from 1992 to 2001. During this period, Vietnam has undergone tremendous and profound changes in a comprehensive process of renovation or reform (called *doimoi)* initiated by the 6th Party Congress in December 1986. In the *doimoi* policy, the State of Vietnam highlights its goals of achieving "a prosperous people, a strong nation, a just, democratic and civilized society" in which the people are placed at the center of all policies, as they are the ultimate objective and the driving force of development. The fundamental contents of the *doimoi* process are:

(a) to transform the centrally planned economic mechanism into a multi-sector market economy operating in accordance with the market mechanism, under the state management in the pursuit of its social goals;

(b) to promote democracy in social life on the basis of building a state governed by the rules of law and truly "of the people, by the people and for the people"; and

(c) to open up and increase exchanges and cooperation with the outside world along the line that Vietnam is willing to be friend to all other countries in the strive for peace, independence and development.

2. The comprehensive *doimoi* process has lived up to the expectations of the entire Vietnamese people and enjoyed wide support and participation of the people of all walks of life. In 1991, the Vietnamese Government adopted the *"Ten Year Strategy for Socio-economic Stabilization and Development*" with an aim to double GDP by the year 2000. The process of *doimoi* and this ten-year strategy from 1991 to 2000 have resulted in enormous and important achievements, bringing Vietnam out of the social and economic crisis, leading the country into a stable development path. The GDP of the year 2000 was indeed doubled compared to that of 1990 (2.07 times). From a food shortage country, Vietnam becomes a major exporter of rice. The Vietnamese Government has combined its economic development strategies with the accomplishment of other social goals. Thanks to the economic achievements, investment by the State for social development targets has been regularly increased, accounting for 25-28 percent of the annual budget, in which special priorities are given to national programmes on hunger and poverty eradication, job creation, improvement of social security as well as other basic social services. Within ten years from 1991 to 2000, the poverty rate (based on the Vietnamese line) fell from over 30% down to 10%, general literacy rate increased to 93%, literacy rate of the workforce reached 97%. People's living standard, especially that of women and children, was substantially improved. According to the United Nations Human Development Report, Vietnam has achieved rather high human development index (HDI) and gender development index (GDI). Those achievements are of special importance particularly in the context of many difficulties facing by Vietnam: at a low starting-point of economic development, low per capita income, and all the heavy consequences left behind by decades of war.

3. Concurrently with the resolution of the war consequences and promotion of socio-economic development, Vietnam has given high priority to the building of a state governed by the rules of law which is truly "of the people, for the people and by the people"; therefore to develop a legal system to create a comprehensive and effective legal framework guaranteeing the civil, political, economic, cultural and social rights of all Vietnamese citizens, allowing them to bring into full play their capabilities to contribute to the cause of national construction and development. This is one of the fundamental objectives of the *doimoi* process which requires enormous and long-term efforts and political commitment of the Party, State and people of Vietnam particularly in the context of being in the transition process. The State has focused a lot of efforts on improving its institutions suitable to the country's existing conditions. Within a short period of time after the war, especially since 1986, Vietnam has promulgated and amended a great number of legal documents, particularly the 1992 Constitution, the most fundamental law of Vietnam (the 1992 Constitution inherits from the 1946, 1959 and 1980 Constitutions), as well as other important legal documents such as the Penal Code, the Criminal Procedures Code, the Civil Code, the Labour Code, the Law on Complaints and Denunciations, the Law on Election of Deputies to the National Assembly, the Law on Education, the Law on Universalization of Primary Education, the Law on People Healthcare. In this process, the citizen's rights comprising civil, political as well as economic, cultural and social rights are elaborated in more concrete and comprehensive terms in various legal instruments.

4. Vietnam is fully aware that promulgation of legal instruments has been a significant step, yet it is more important to bring them into enforcement. For that reason, Vietnam has step by step established and strengthened the necessary monitoring procedures and apparatus to ensure the effectiveness of law enforcement.

5. Vietnam also attaches great importance to the aspect of raising the people's knowledge and awareness about the law, the Constitution, and other legal regulations, and at the same time creating favorable conditions for the people to fully and effectively participate in public debates and consultations on the draft laws before submitting them to the National Assembly for consideration. In recent years, it is encouraging to witness the mass media and the ordinary citizens becoming more and more active and constructive in their roles to denounce and criticize those negative phenomenon and abuses of power committed by the officials and state bodies in violation of the citizen's rights.

6. Vietnam has ratified eight core conventions on human rights including the two Covenants on civil, political and on economic, cultural and social rights and has striven to fulfill its obligations vis-à-vis those instruments. Vietnam attaches great importance to the implementation of those international instruments and has done its utmost to bring its domestic laws into harmonization with those instruments, while taking into full account the country's historical, traditional, cultural and social characteristics. Tremendous efforts have been made by Vietnam to enhance its exchange and cooperation with other countries in the process of reforming, developing and strengthening its legal system. Since 1986 when the *doimoi* process started, nearly 13,000 legal documents of all categories have been promulgated, which include 40 basic codes and laws, more than 120 ordinances, nearly 850 governmental regulations and more than 3,000 regulations by ministries and other governmental agencies. At the same time, Vietnam has "internalized" the essence of those international legal instruments into domestic laws and has

submitted national reports with respect to five out of eight human rights conventions to which Vietnam is a party. Recently, Vietnam has also ratified two Optional Protocols to the Convention on the Rights of the Child and 3 other ILO conventions in this regard.

7. In July 2001, Vietnam presented its 2nd, 3rd and 4th Reports on implementation of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). In August 2001, Vietnam also presented its Second Report on implementation of the International Convention on the Elimination of Racial Discrimination (CERD). Vietnam will soon present its second report on implementation of the Convention on the Rights of the Child.

8. Vietnam ratified the Covenant on Civil and Political Rights in 1982, and submitted its first Report on implementation of this Covenant in 1990. This updated document to our second Report, together with other reports submitted during the past years under different treaty bodies apparently demonstrate the consistent policy of Vietnam to promote and protect human rights both civil and political as well as economic, cultural and social rights.

PART I

GENERAL INTRODUCTION

I. CONSTITUTIONAL BACKGROUND AND FUNDAMENTAL HUMAN RIGHTS

9. The introduction of the 1992 Constitution constitutes an important significance in the reaffirmation of the citizens' fundamental rights as mentioned in the Second Country Report on the Implementation of the International Covenant on Civil and Political Rights. The 1992 Constitution has set forth the fundamental principles that serve as solid foundations for the Vietnamese legal system.

10. On the basis of the 1992 Constitution, since July 1996, the National Assembly of Vietnam has approved basic 30 laws, the National Assembly's Standing Committee has passed 38 ordinances, many of which are directly related to human rights such as: the Law on Complaints and Denunciations, the Law on the Election of Deputies to the National Assembly, the Law on the Vietnam Fatherland Front, the Law on the Promulgation of Legal Documents, the Law on Marriage and Family, the Law on Education, the Law on Drug Prevention and Control, the Law on Enterprises, the Commercial Law, the Law on Insurance Business, the Ordinance on the Mediation at Grassroots Level, the Ordinance on the Consumers Protection, the Ordinance on Disabled People, the Ordinance on Elderly People, etc. Together with the 1992 Constitution and previously promulgated legal documents such as the Civil Code, the Labour Code, the Law on Trade Union, the Law on Children's Protection, Care and Education, these newly promulgated legal documents have made important contributions to the establishment of a comprehensive legal system aimed at protecting more effectively the citizen's rights in consistence with the International Covenant on Civil and Political Rights.

II. OVERVIEW ON THE LEGAL SYSTEM

11. On the 2nd September 1945, President Ho Chi Minh solemnly delivered the Declaration of Independence, giving birth to the Democratic Republic of Vietnam. Only one year later, the 1946 Constitution, the first Constitution of independent Vietnam, was adopted. With the historic victory on the 30th April 1975, the Vietnamese people have finally attained their national liberation goal. On July the 2nd 1976, the National Assembly of Vietnam decided to rename the country as the Socialist Republic of Vietnam.

12. Throughout the process of national development, Vietnam has constantly consolidated its constitutional foundation reflected in the 1946, 1959, 1980 and 1992 Constitutions. Inheriting from the previous Constitutions, the Constitution adopted in 1992 by the Socialist Republic of Vietnam (here-in-after called the 1992 Constitution) constitutes the most fundamental law of the State of Vietnam stipulating the country's political regime as well as its economic, cultural, social characteristics, defense and security, together with the fundamental rights and responsibilities of citizens; describing the structure and principles of organization and operation of all State bodies. The 1992 Constitution has made a long stride in stipulating the citizen's rights as well as the economic regime of the Socialist Republic of Vietnam.

13. As stipulated in the Constitution, the *Communist Party* of Vietnam is the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people and the entire nation, and the leading force of the State and society. All Party organizations operate within the framework of the Constitution and law.

14. The *State* of the Socialist Republic of Vietnam is stipulated as the unified State of all ethnicities living on the territory of Vietnam; it is the State of the people, by the people and for the people. All powers of the State belong to the people. The people exercise State powers through the National Assembly and the People's Councils which represent the will and aspirations of the people and are elected by the people and accountable to the people through universal, equal, direct and secret suffrage. Democratic centralism is the principle governing the organization and operation of the National Assembly, the People's Councils and all other organs of the State.

15. The *State Apparatus* of the Socialist Republic of Vietnam is a system of State organs from central to local levels, which is organized and operated under the framework of the Constitution and law as a harmonious mechanism which carries out the functions and responsibilities of the State through the division of state powers among the legislative, judicial and executive branches. It consists of the following main organs.

16. The National Assembly is the highest representative organ of the people, the highest organ of State powers of the Socialist Republic of Vietnam. It is the only organ with constitutional and legislative powers.

17. The National Assembly decides on the fundamental domestic and foreign policies, on the socio-economic tasks, the country's national defense and security issues, the essential principles governing the organization and operation of the State apparatus, the social relations and activities of citizens. The National Assembly exercises the supreme role of supervision over all activities of the State.

18. The President of the State is the Head of State and represents the Socialist Republic of Vietnam in domestic as well as foreign affairs.

19. The Government is the executive organ of the National Assembly, the highest organ of state administration of the Socialist Republic of Vietnam. The Government carries out unified management over the implementation of the State's tasks on political, economic, cultural, social, national defense, security and external affairs; guarantees the efficiency of the State apparatus from the central to local level; ensures the compliance and enforcement of the Constitution and the law of the land; puts in full play the people's role in the cause of construction and defense of their motherland; and ensures the stability and the improvement of the material and spiritual life of the people. The Government is fully accountable to the National Assembly and reports its work to the National Assembly and the President of the State.

The People's Councils and the People's Committees

20. *The People's Councils* are local organs of state power; they represent the will, aspirations and the master's right of the people, they are elected by the local people and are accountable to them and to the superior state organs. On the basis of the Constitution, laws, and other legal instruments of superior state organs, the People's Councils pass resolutions on measures necessary for the strict implementation of the Constitution and the law at local levels, resolutions on plans for socio-economic development and the execution of the budget, on national defense and security at the local levels, on measures aimed at stabilizing and improving the people's living standards, fulfilling those tasks assigned by the central government, and other common duties to the whole nation.

21. *The People's Committees* are elected by the People's Councils as their executive organs performing administrative function at local levels, they are responsible for the implementation of the Constitution, laws and other regulations issued by superior state organs and of the resolutions by the People's Councils.

The People's Court and the Office of the People's Procurator

22. The People's Court and the Office of the People's Procurator of the Socialist Republic of Vietnam, within the scope of their functions, have the duty to safeguard the effectiveness of the socialist rules of law, the socialist regime and the people's mastery rights, protect state and public properties and protect the life, property, freedom, honor and dignity of every citizen.

23. The judicial organs of the Socialist Republic of Vietnam consist of *The Supreme People's Court, the local courts, military tribunals and other courts stipulated by law.*

24. *The People's Supreme Procuracy* monitors the observance of law by Ministries, and other governmental or equivalent bodies, local authorities, economic entities and social organizations, arm forces units and every citizen; exercises the power to prosecute; guarantees the strict and coherent observance of law. *The Local People's Procuracies, Military Procuracies* monitor the compliance of law and exercises the power to prosecute within the scope of responsibilities specified by the law.

THE GENERAL LEGAL FRAMEWORK IN WHICH HUMAN RIGHTS ARE PROTECTED

25. The 1992 Constitution has made an enormous advance in specifying fundamental rights and duties of the citizens compared to previous Constitutions and is the most fundamental law of the State, the whole Chapter V (from Article 49 to Article 82) consists of provisions on fundamental rights and duties of the citizens. Most notably, the 1992 Constitution stipulates: *"In the Socialist Republic of Vietnam, all human rights in the political, civil, economic, cultural and social fields are respected. They are embodied in citizens' rights and are determined by the Constitution and the law"* (Article 50).

26. There are certain rights which were introduced for the first time and some other rights being supplemented such as: the right to free enterprise (Article 57); the right to freely travel abroad and to return in accordance with the laws and regulations (Article 68); the right to be informed in accordance with the laws (Article 69); the right of all religions to be equal before the laws (Article 70), and in particular the right not to be regarded as guilty and not to be subjected to punishment before the sentence of the court has acquired full legal effect (Article 72).

27. The State has also issued many legal instruments (codes, laws, ordinances, decrees, circulars, etc) to specify those above-mentioned provisions of the Constitution with an aim to translate those provisions into daily life. During the past five years (from 1996 to 2001), the National Assembly has approved 40 laws, the Standing Committee of the National Assembly has approved more than 40 ordinances in order to create and institutionalize the legal framework for the protection of human rights in general and the civil and political rights in particular.

28. Those important legislations related to civil and political rights include *the Law on Vietnamese Citizenship, Law on Complaints and Denunciations, Law on Education, the revised Law on the Press, Law on Enterprises, Law on the Vietnam Fatherland Front, the Penal Code, the Criminal Procedures Code, the Law on Science and Technology, Law on Marriage and Family, the Law on Drug Prevention and Control.* Those legislations related to civil and political rights include *the Ordinance on Disabled People, the Ordinance on Elderly People, the Ordinance on Exit, Entry, Residence, and Travel of Foreigners in Vietnam, etc.*

29. In addition, there are many other legal documents in the forms of decrees, decisions, regulations, ministry or inter-ministerial circulars have been promulgated with a view to specify and provide guidelines for the implementation of laws, ordinances, guarantee the exercise of civil and political rights of citizens.

30. In the recent years, the system of State organs has been further strengthened, especially with respect to the qualification and activities of the local courts and judicial bodies.

(a) Qualification of the judges and juries contingents have been strengthened. Most of the judges have attained sufficient law degrees, some have obtained high degrees in law.

(b) Qualifications of procurators at all levels (district, provincial and central levels) has also been increased which helps to increase the efficiency of prosecution and supervision, hence their better fulfillment of the responsibility of protecting the rights and interests of citizens, preventing and combating law violations.

(c) Consolidation of the system of *State Inspection Agencies* from the central to local levels (State Inspector General at the central level, State Inspectors at ministries or ministerial bodies, and inspection agencies at local levels) has been another feature to keep pace with the inspection needs in the new period and better protecting the interests of the citizens.

(d) Bar Associations, Public Notaries, Lega' Forensic Examination Agencies, law Enforcement bodies, legal aid offices for the Poor also exercise their own functions of support for and protection of the citizens' interests. These institutions are now establishing their presence in all the 61 provinces and cities of the country and have consolidated their role in the past two years. Up to now, in the whole country there are 11,471 lawyers (20% are female), more than 200 public notaries officers (about one fourth are female), 4,268 civil law enforcement officers (nearly 30% are female).

III. VIETNAM AND ITS ADHERENCE TO INTERNATIONAL CONVENTIONS ON HUMAN RIGHTS

31. Vietnam is now party to eight UN core Conventions on human rights including the Covenant on Civil and Political Rights; the Covenant on Economic, Cultural, Social Rights; the Convention on Elimination of Discrimination Against Women; the Convention on the Right of the Child. In 1994 and 1997, Vietnam has acceded to 15 Conventions of the International Labour Organization (ILO) such as Conventions number 5, 6, 14, 45, 80, 81,100, 111, 116, 120, 123, 124, 155 and 182.

32. Most recently, Vietnam has signed and is in the preparatory process to ratify the two Optional Protocols to the International Convention on the Right of the Child, and other international instruments such as the Convention on Combating Organized Crimes. Vietnam also considers to join other human rights conventions.

33. Vietnam has made great efforts to consolidate its legal system and brings it into harmony with the provisions of international Conventions on human rights to which it is a party.

34. The Vietnamese Government has also paid enormous attention to its obligations to submit country reports under those conventions. The Vietnamese Government has presented its First Report on implementation of the Covenants on Civil and Political Rights (in 1990); its Combined Reports (2nd, 3rd and 4th) on implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in July 2001, and its Third Report on Implementation of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in August 2001; and has already submitted its Second Report on implementation of the Convention on the Right of the Child.

PART II

THE IMPLEMENTATION OF THE GENERAL COMMITMENTS UNDER THE COVENANT

Article 1

Right to Self-Determination

35. Throughout the process of struggle for independence and in the present course of national development the State of Vietnam together with the entire Vietnamese people have done their utmost to exercise their right to self-determination in freely determining their destiny, their own political and social regime as well as their national development path.

36. The 1992 Constitution clearly establishes the political and socio-economic systems of the country as well as its national defense and security system, the basic rights and obligations of the citizens, the structure, organization and operation of all state agencies, the relationship between the Party assuring leadership and the people as the master and the state performing the management role.

37. The Constitution reaffirms the leadership of the Communist Party of Vietnam over the State and society (Article 4). Article 4 of the Constitution also stipulates that all Party organizations shall function within the framework of the Constitution and law.

38. The Constitution reaffirms the primary principle governing the organization and operation of the Vietnamese political system which is defined in essence as a state of the people, by the people and for the people (Article 2).. The main objective of the State is to "ensure and enhance the mastership of the people in all areas, to build a strong and prosperous country, to ensure social justice, democracy, happiness, freedom and favorable conditions for the full development of every individuals". The State performs management function of the society through the law founded upon the socialist legal basis (Article 12). The people exercise State power through the National Assembly and the people' councils (Article 6).

39. The position and role of the National Assembly continue to be enhanced. The Constitution reaffirms that people' councils are organs of the state powers at the local levels, recognizes the right of the people to stand for election as well as the democratic principles in elections, dismissals and supervision so as to ensure that the State is truly for the people and under the supervision of the people.

40. The Constitution recognized the people's right of mastership as the basic human rights of citizens in political, civil, economic, cultural and social areas. Respect for the citizen rights stands as guiding principle in all legislative, executive and judicial activities in Vietnam. Accordingly, the country's legal system in being consolidated day by day on the basis of the Constitution particularly with respect to the right to vote and to stand for election to the National Assembly and the people's council at all levels (Article 54), the rights to be equal before the law" (Article 52), "freedom of enterprise" (Article 57), "the right to be protected, to inheritance

and ownership" (Article 58), "liberty of movement and residence" (Article 68), freedom of religion (Article 70), the right to lodge complaint and denounce (Article 74) and the right to be informed and to demonstrate and so on.

41. The constitutional rights of the people of ownership have been further reaffirmed vis-à-vis their "land, forests, mountains, lakes and rivers, water resources, underground and maritime resources, vis-à-vis the state assets and capital invested in enterprises and projects of all sectors in the economic, cultural, social, scientific, technological, diplomatic, national defense and security fields as well as other state assets stipulated by the law" (Article 17).

42. In summary, at the national level, the right to self-determination of the Vietnamese people is effected through their freedom to determine of the political and economic regime, which is clearly stated in the Constitution and institutionalized by the mechanism of "Party's leadership, people's mastery and State's management". The right of citizens to participate in the management of social affairs will be further specified in the section relating to Article 25.

Article 2

The Right to Be Equal before and Protected by the Law

43. In addition to those legal instruments mentioned in the 2nd Report, since July 1996, the Vietnamese State has promulgated a great numbers of new legal instruments aimed at institutionalizing further the principle of equality before the law. This institutionalization process is in line with the commitment of Vietnam in protecting the civil rights stipulated by Article 2 of the Covenant.

44. With regard to equality of citizens to participate in the political affairs of the country:

(a) The right to vote and stand for election is specified by Article 54 of the 1992 Constitution, the Law on the Election of the Members of the National Assembly and the Law on the Election of the Members of People' Councils. In 1997, the National Assembly adopted a new law on Election of the Members of the National Assembly. The 1997 Law once again reaffirms the principle of equality recognized by the 1992 Constitution and earlier Laws on Election. Citizens of the Socialist Republic of Vietnam, regardless of their ethnicities, gender, social status, beliefs, religions, educational levels, occupations, residential time, who are 18 years old over shall have the right to vote and those who attains 21 years old shall be entitled to stand for the election to the National Assembly (Article 1).

(b) The 1997 Law on Election of Members of the National Assembly further specifies the candidacy procedures, especially the right to stand for the National Assembly election. Under this Law, independent and proposed candidates are equal in fulfilling the required registration and consultation procedures. This is seen as one important legal foundation ensuring the right. The 1992 Constitution stipulates that the citizens are entitled to participate in the administration and management of the State and society, to discuss on common issues of the country or of their localities and to submit recommendations and petitions to state agencies and to vote in state referendum (Article 53).

(c) In the 1999-revised Law on the Press the right to equal participation in important affairs of the country is recognized, which entitled all citizens to express their opinions in the formulation and implementation of the Party directions, state policies and regulations, and to express views on the situation of the country and the world over (Article 4).

45. With regard to equal right of citizens in civil and business fields:

(a) In addition to the comprehensive regulations of the Civil Code, there are a number of recent legal documents specifying different aspects of the civil rights such as family and marriage, nationality, business activities and so on.

(b) The revised Law on Family and Marriage promulgated in 2000 reaffirms equality as a fundamental principle of marriage and family in Vietnam (Article 2). This principle is reflected in all details in the provisions relating to equality between the wife and husband (Paragraph 1, Article 2), equality among all citizens in marriage; "equality between Vietnamese citizens of different nationalities and/or religions, between religious and non-religious people, and between Vietnamese citizens and foreigners" (Paragraph 2, Article 2), equality among family members: "The State and society do not recognize discrimination among children, between sons and daughters, between biological and adopted children, and children born in and out of wedlock (Paragraph 5, Article 2).

(c) Equality of citizens with regard to nationalities is reaffirmed in Article 1 of the Law on Vietnamese Nationality promulgated in 1998: "In the Socialist Republic of Vietnam, every individual is entitled to having a nationality, members of the ethnicities enjoy the equal right of having the Vietnamese nationality".

(d) Another fundamental civil right recognized by the Constitution is the right to free enterprise (Article 57). In the commercial Law, and Law on Business Enterprises, equality among business entities is defined as one of the fundamental principles regulating business transactions. The Commercial Law has one article pertaining to equality before the law and cooperation in trade: "The State ensures the equal rights under the law for businessmen from all economic sectors in their trade activities" (Article 7). The Law on Enterprises stipulates "the State recognizes the long-term existence and development of all forms of enterprises as provided for in this law and ensures the equality among enterprises before the law, including private enterprises" (Article 4).

46. With regard to equality of citizens in educational, cultural, scientific and technological fields:

(a) The 1998 Law on Education reaffirms the principle of equal right of every citizen in training and education, contained in the 1992 Constitution: "Education is the right and obligation of citizens. All citizens, regardless of their ethnicities, religions, beliefs, gender, origins, family background, social status or economic situation, enjoy equal opportunity of education. The State shall ensure social equity in education and create favourable conditions for everyone to enjoy education" (Article 9).

(b) The Law on Science and Technology recognizes the right of every individual to equality and freedom of creation in scientific and technological activities, and in transfer of scientific and technological results in accordance with the provisions of law (Article 17).

47. Along with the recognition of the civil rights, the State has also promulgated specified regulations on the responsibilities of competent authorities in protecting those civil rights and in dealing with violations of the rights. Along with the provisions of Article 126 of the 1992 Constitution, the Law on the Organization of the People's Court (Article 1) and the Law on the Organization of the Office of the People's Procurator (Article 2) altogether provide: the Court and the Office of the People's Procurator, within their own competence and jurisdiction, have the duty to safeguard the socialist rules of law, the socialist regime and the people's mastership ... and to protect the life, properties, freedom, honor and dignity of all citizens.

48. The 1999 Penal Code promulgated by the National Assembly in substitution of the 1985 Penal Code stipulates that the underlying task of the Code is to protect the socialist regime, the interests of the State, its people's mastership, the equality of all people from every ethnicity, and the legitimate rights and interests of every citizen (Article 1). Chapters XII, XIII, XIV, XV of the revised Penal Code stipulate specific penalties imposed on violations against the citizens fundamental rights and freedoms.

49. The Code on Criminal Procedures amended in the year 2000 was supplemented with provisions on the responsibilities of the judicial authorities and their officials. Article 10a provides "During the course of judicial proceedings, the judicial authorities and those who conduct the proceedings shall strictly observe the law and are responsible for their acts and decisions. Those who violate the law in regard to arrest, detainment, prosecution, trial and enforcement shall be subject to discipline or criminal prosecution as stipulated by law depending on the nature and severity of the violation".

50. The Civil Code also contains provisions on compensation for damage caused by state officials or civil servants or by the competent persons of the judicial authorities (Article 623 and Article 624).

51. The legal instruments of the State at presence contain remarkably comprehensive provisions on the citizen's rights, to require competent State authorities to protect their legitimate rights and interests when they are violated. In 1998, the National Assembly promulgated the Law on Complaints and Denunciation stating that citizens have the right to appeal against the administrative decision and action conducted by an administrative body or its competent persons when there is evidence that these decisions and actions are unlawful or in violation of his or her legitimate rights and interests. Citizens have the right to denounce against any authorities or organization for its act of violation or threat of violation of their legitimate interests (Article 1). The Law on Complaints and Denunciation also contains provisions on the responsibility of the State Inspectorate, Office of the People's Procurator in inspecting and supervising the enforcement of the Law on Complaints and Denunciation (Article 11 and Article 12).

52. The Civil Code stipulates when the civil rights of an entity are violated, such entity is entitled to request the courts or other competent state authorities for remedies and, the courts or the competent authorities shall decide, on the basis of the case, to recognize the entity's rights or order the termination of the act of violation (Article 12).

53. The rights of children to be equal before the law and protected by law is clearly stipulated in the Law on the Protection, Care and Education of the Child promulgated in 1991. Article 2 of this law stipulates children, regardless of male or female, biological or adopted, in or out-of-wedlock, common or step children, and in disregard of their ethnicities, religions, social status, their parents or guardians, political opinions, shall enjoy equal protection, care and education and other rights as provided for by laws. Article 4 of this law stipulates that the children's rights shall be respected and enforced. Any violations of the children's rights and their development shall be strictly punished.

54. The children's rights to be equal before the law and protected by law are also stipulated in other legislations such as the 1999 Criminal Code, the revised Criminal Procedures Code, the Civil Code, the Labor Code.

Article 3

Equality between Men and Women

55. The content of this section has been fully reflected in the 2,3,4 combined Reports of the Vietnamese Government on the implementation of the CEDAW and presented by the Vietnamese Government before the CEDAW Commission in July 2001.

56. Article 63 of the 1992 Constitution stipulates that male and female citizens have equal rights in all fields: political, economic, cultural, and social and the family. All acts of discrimination against women and acts damaging women's dignity are strictly banned. Men and women are entitled to equal pay for equal work. Women workers shall enjoy maternity benefits. Further, gender equity is also stipulated in many other legal instruments of Vietnam.

57. The 1995 Civil Code (Article 8) stipulates: in civil relations, the parties/partners shall be equal and shall not invoke differences in ethnicity, gender, social status, economic situation, belief, religion, education and occupation as reasons to treat each other unequally.

58. With regard to the infringement upon women's right to equality, the 1999 Penal Code (Article 130) clearly states that those who use violence or commit serious acts to prevent women from participating in political, economic, scientific, cultural and social activities shall be subject to penalties from warning, to non-custodial probation up to one year, or a prison term between three months and one year.

59. With regard to death penalty, Article 35 of the Penal Code stipulates that death penalty shall not apply to juvenile offenders, pregnant women and women nursing children under 36 months at the time of committing crimes or being tried. For these cases, the death penalty shall be reduced to life sentence.

60. The Code on Criminal Procedures, Article 4, ensures the equal right of citizens before the law: criminal proceedings are executed on the principle that all citizens, regardless their gender, ethnicity, beliefs, religions, social status, are equal before the law. Any individual who commits crime will be subject to prosecution.

61. The 1998 Law on Vietnamese Nationality stipulates: the State of the Socialist Republic of Vietnam is the united state of all ethnicities living together on the Vietnamese territory; members of all ethnicities are equal in the right to have Vietnamese nationality (Article 1) and the naturalization or loss of the Vietnamese citizenship by the husband or the wife does not change the nationality of the wife or the husband (Article 10).

62. The Law on Marriage and Family recognizes 1) voluntary, progressive and monogamous marriage in which husband and wife are equal (Article 2) and that 2) marriage is voluntarily decided by the man and the woman, neither partner is allowed to force or to deceive the other; nobody is allowed to force or obstruct their marriage (Article 9).

63. The Labor Code stipulates that the State ensures the right to work of women with respect to men on the basis of equality in every aspect (Article 109, paragraph 1) and all acts of employer to discriminate against female workers or offend their dignity and honor are strictly prohibited (Article 111, paragraph 1). In this connection, Vietnam is a signatory to the 100 Covenant of ILO on equal payment for female workers for the same work.

64. The Government Decrees N^0 29/1998/ND-CP on Grassroots Democracy and N^0 71/1998/ND-CP on the Regulations on Democracy in State Agencies stipulate that women, as citizens, have the rights to be informed, to participate in, to discuss and supervise the activities of their localities and agencies.

65. The Ordinance N^0 01/1998/PL-UBTVQH10 on Civil Servants and the Decree N^0 95/1998/ND-CP promulgated by the Government in 1998 on recruitment, employment and management of civil servants also contain provisions on equality between women and men.

66. To enforce the law and effectively implement the above-said policies of the State, various agencies and organizations were established to protect the legitimate rights and interests of women and much progresses has been made in this area.

(a) The National Commission for the Advancement of Women plays the role as an advisory agency for the Government in formulation of policies relating to gender equity, in developing and supervising the implementation of national plans of action and strategies for the advancement of women. In this connection, national Committees for the advancement of women have also been set up throughout the country. The national commission has conducted various activities thus actively contributing to the implementation of the CEDAW in Vietnam.

(b) The Vietnam Women's Union, as member of the Fatherland Front of Vietnam, assumes the responsibility to protect the legitimate rights and interests of the women.

(c) The Women Board of the Confederation of the Trade Union of Vietnam has the function to protect the legitimate rights and interests of female civil servants.

67. In reality, equality between women and men in the political and civil fields is highly respected and protected. Women are equal with men in terms of civil rights and obligations as provided for by the law, including the right to enter into civil contracts. Women become more and more independent and confident with their involvement in civil relations. According to a social survey of 1000 women, over 76% of city women and 51.2% rural women are of the view that they are totally independent in civil contracts.

68. In the year 2000, the National Assembly adopted the revised Law on Marriage and Family. One outstanding and progressive aspect of this Law is that, for the first time, equality of husband and wife has been codified in property ownership, in registration procedures including those relating to house and land-use right certificate. It can be said that this is an important basis for the realization of equality between women and men involving in civil transactions pertaining to property.

69. The right to freedom of movement and residence is one of the necessary and important civil rights. Article 68 of the 1992 Constitution and Article 44 of the 1995 Civil Code stipulate clearly the equal right of women in this regard. Women have the right to freedom of movement and residence according to their will and conditions without any hindrance. Especially, during the past three years, there has been no case of discrimination against women's right to freedom of movement and residence in Vietnam.

70. Land-use right governed by Article 1 of the revised Land Law allows no gender discrimination against land users. Land users, either men or women, have equal rights and obligations in utilizing lands allocated by the State, in signing contracts of land conversion, transfer, lease and mortgage.

71. In the political field, women enjoy equality with men in all political activities. Women have the rights to vote and to stand for election to State agencies. In the National Plan of Action for the advancement of women by the year 2000 one of the 4 objectives of the plan is to achieve the goal of having 20-30% female officials working in agencies elected by the people and 15-20% in Government agencies and advisory bodies at all levels.

72. In 1997, 99.90% of women participated in the National Assembly election and female deputies made up 26.22% in the 1997-2000 tenure, an increase of 7.74% compared to the previous legislature. Vietnam is ranked as 9th out of 135 members of the Inter-Parliamentary Union and tops Asian countries in terms of the percentage of women in parliament.

73. The Party and Government took strong interest in electing women to all the three levels People's Councils in the 1999-2004 term and set the target of at least 20% of women seating in the Councils. The National Committee for the Advancement of Women in coordination with the Vietnam Women's Union organized training courses on leadership skills for 18,000 women candidates in 61 provinces and cities under the VIE/96/011 project funded by the UNDP and some other donors. About 10,000 other women were trained through domestic financing, bringing the number of trained women candidates to nearly 50%. As a result, the percentage of women elected to the People's Councils in this term was higher than the previous one. The figures were 22.5, 20.7 and 16.34 at provincial, district and communal levels showing a rise of 2.15%, 2.6% and 1.94% respectively.

74. It can be said that with the increase in both quality and quantity of female deputies to the National Assembly and People's Councils, women's role has been more and more asserted in the political and social life of the country.

75. The Vietnamese Women account for 50.8% of the population, 50.6% of the workforce and 32.45% of enterprise managers. They are present in almost all sectors of the economy.

76. Women participation in the leadership of mass organizations continues to increase accounting for about 30%. As stipulated at Article 87 of the 1992 Constitution, the Vietnam Women's Union has the right to propose and introduce draft laws and ordinances. Such provision enables women to participate in state management and make active contributions to the making of policies and laws in general and the protection women's rights and interests in particular.

77. In conclusion, the CEDAW's principle of gender equality and non-discrimination has been fully and strictly observed in Vietnam. According to the UNDP Human Development Report 2000, Vietnam's ranking in terms of Gender Development Index (GDI) shows 43 grades higher than its rank in GDP per capita. These achievements are of special significance given Vietnam's low GDP per capita. However, Vietnam is fully aware of the outstanding problems and obstacles it still faces in realizing gender equality.

78. Although equal rights between men and women in civil and political fields have been clearly provided for in all normative legal documents, implementation is not satisfied as expected. Discrimination against women in such forms as forced marriage, unregistered marriage and mistreatment of women in marriage still exists in some areas, especially in ethnic minority groups and in remote areas. Women smuggling, prostitution and domestic violence remain a problem.

79. In the political field, the proportion of women leaders has increased but is not yet in tandem with the capacity and the percentage of women in the workforce, especially at the grassroots level. Domestic work is still burdensome for them and prejudices against their advancement and promotion. Rural women's limited experience and knowledge have reduced their self-confidence in political life in communities.

80. To overcome these problems, various measures should be taken, particularly through enhancement of information, education and communications activities so as to raise people's awareness of gender equality and remove outdated perceptions on men and women relations, especially among ethnic minority groups in remote mountainous areas. It is also necessary to devise better policies on education and training for women as well as employment and promotion of women cadres, thus enabling them to participate more effectively in the management of state affairs.

PART III

RESPECT OF RIGHTS RECOGNIZED BY THE COVENANT

Article 6

The right to life

81. The 1992 Constitution, in Article 71, affirms that "The citizen shall enjoy inviolability of the person and protection of law with regard to his life, health, honour and dignity." No one is arrested without a court's warrant or a decision issued by the people's procuracies, except when they are caught red-handed. Arrest and detention must be conducted in accordance with legal procedures. No form of torture, corporal punishment and humiliation of the citizens' dignity is allowed.

82. The 1992 Constitution also provided in Article 72 that "No one shall be regarded as guilty and be subjected to punishment before the sentence of the court has acquired full legal effect".

83. The 1995 Civil Code, in Article 32 on the right to integrity of life, health and body, stipulates that: "An individual shall have the right to safety of life, health and body. No one may infringe upon the life, health and body of another person."

84. Article 609 of the Civil Code on liability to compensation for damage stipulates that "A person who infringes upon, intentionally or unintentionally, the life, health, honour, dignity, reputation, property, rights, or other legitimate interests of an individual, or upon the honour, reputation and property of a legal person or others, and thereby causes damage, shall compensate."

85. The right to life has been strengthened in the new amendments to Penal Code according to which acts that cause damage to other people's life, health and dignity are strictly punished and there are at the same time measures to re-educate and rehabilitate those who commit these crimes. Detained provisions regarding the right to life are found in Chapter XII on crimes of infringing upon human life, health, dignity and honour (Articles 93-122), Chapter XIII on crimes of infringing upon citizens' democratic freedoms (Articles 123-132), Chapter XIV on crimes of infringing upon ownership rights (Articles 133-145), Chapter XV on crimes of infringing upon the marriage and family regimes (Articles 146-152), Chapter XIX on crimes of infringement upon public safety and public order (Articles 202-256), Chapter XX on crimes of infringing upon administrative management order (Articles 257-276).

Death penalty

86. The 1999 Penal Code contains 30 charges (among the total of 263) that can be elevated to death penalty. As compared to the 1985 Penal Code, death penalties in the 1999 Penal Code have been reduced by 15 charges. Article 35 of the Code defines *"death penalty is a special penalty applicable only to persons committing particularly serious crimes. Death penalty shall not apply to juvenile offenders (aged from full 14 to under 18), to pregnant women and women nursing*

children under 36 months old at the time of committing crimes or being tried. Death penalty shall not be enforced in the case of a pregnant women or women nursing their children under 36 months old. In these cases, the death penalty shall be reduced to life imprisonment. In cases where the persons sentenced to death enjoy commutation, the death penalty shall be converted into life imprisonment".

87. Chapter X (from Article 68 to Article 77) is applied to juvenile offenders with sentences less severe than those for adult offenders. The former is mostly subject to probative and preventive measures and if imprisonment sentence is to be applied, the sentence is shorter than the latter's.

88. Paragraph 5 of Article 69 says *"life imprisonment or death penalty shall not be imposed on juvenile offenders".*

89. The 2000 Criminal Proceedings Code (revised earlier in 1990 and 1992) provides for specific proceedings in investigation, prosecution, trial and enforcement for death-penalty offenders.

90. In the process of investigation, prosecution and trial, the judicial authorities are required to take cautious steps in examining evidences on cases involving death penalty.

91. Article 37 stipulates that *"In the following cases (cases involving death penalty as maximum punishment provided in the Penal Code) if the accused, or defendant and his legal representative does not require a defence lawyer, the Investigating authorities, the Procuracy or the Court shall ask the Bar Association to appoint a defense lawyer".*

92. Article 145 on courts' jurisdiction provides "The district courts and regional military courts hold first-instance trials for offences subjected to less than 7 years of imprisonment according to the Penal Code". This means only the provincial courts or higher courts can obtain the jurisdiction to try death penalty cases.

93. Article 160 provides "... *With respect to a case in which the accused is charged with an offence that may subject to capital punishment, the judgement panel shall consist of two judges and three people's juries."*

94. Article 228 on required procedures prior death sentence execution provides: *after a verdict of death penalty has legal effect, the case file shall be promptly submitted to the President of the People's Supreme Court and a copy of that to the Chairman of the People's Supreme Procuracy. ...Within two months from the date of receiving the death sentence verdict and the file of the case, the President of the People's Supreme Court and Chairman of the People's Procuracy shall decide to initiate or not the appeal procedures...Within seven days from the date the verdict enters into force , the convicted has the right to submit to the president of the state to appeal for pardon or commutation.*

95. *Execution of the death sentence shall be conducted if there is no appeal from the President of the People's Supreme Court or the Chairman of the People's Supreme Procuracy in accordance with the procedures of appeal or review procedures. In the case, the convicted appeals for pardon or commutation, the death sentence shall be executed after the President of state rejects the appeal.*

96. To ensure the discretion in implementation of the 1999 Penal Code, the National Assembly and the National Assembly's Standing Committee have respectively promulgated Resolution 32/1999/QH10 and Resolution 229/2000/NQ-UBTVQH10, which provide specific guidances vis à vis the application of the Penal Code's provisions on death penalty against offenders who are pregnant women, women nursing children under 36 months old and delinquents.

97. In recent years, the legal system of Vietnam has been further improved with the promulgation of fundamental laws relating to citizens' right to life such as the Civil Code, Law on Marriage and Family, Labour Code, Penal Code, Criminal Procedures Code and others. These laws have taken effect and are well received and observed by the people.

Article 7

Torture, corporal punishment and inhuman treatment are prohibited

98. In order to prevent and handle such acts that may infringe upon the life, health and dignity of citizens in all forms, besides those provisions set out in the 1992 Constitution (Article 71), the Civil Code (Articles 32 and 609) and other legal instruments (Law on the Protection, Care and Education of Children; Ordinance on the Execution of Imprisonment Sentence; Rules of Detention Centers), the 1999 revised Penal Code contains new provisions on classification of crimes, specification of criminal acts and cases of aggravation applied to crimes involving brutal beating, corporal punishment, causing injury to other people. This has clearly shown the State's view of actively preventing and fighting against this kind of crime (see further in section on Article 9 on the right to liberty and inviolability of person).

99. Torture is strictly banned by many other legal instruments. For example, the Regulations on Temporary Arrest and Detention attached to the 89/1998/ND-CP Decree of the Government on 7 November 1998 and the Regulations on the Conduct of Temporary Arrest and Detention and Investigation by Public Security Forces (Article 8) which *ban all acts that may infringe upon the life, health, property and dignity of people under temporary arrest and detention.* The Regulations on Democracy in Prisons, Detention and Rehabilitation Centers under the Ministry of Public Security (Article 15) stress that *life, health and dignity of the prisoners, detainees shall be protected. Officers and staffs working in prisons, detention and rehabilitation centers are strictly prohibited to commit any act of torture or infringement upon the dignity of detainees.*

100. In recent years, violations by authorities have been strictly combatled and basically prevented. Some misconducts by officials due to negligence or lack of responsibilities have been duly warned and punished (in the forms of discipline, dismissing from service, paying compensation, and so on).

101. The 1999 Penal Code, with the inclusion of new penalties and aggravated sentences, has shown on the one hand Vietnam's steadfast determination to combat this crime. On the other hand, with the removal of a series of harsh penalties relating to offences previously regarded as serious crimes and the reduction of penalties or conversion to lesser degree of punishment, it reflects clearly the civilized and humane attitude adopted by the State of Vietnam.

102. As a result of the new approach on non-criminalization of acts that are not necessarily dealt with by criminal measures as mentioned above, many offenders who are serving sentences or being prosecuted can be set free or commuted or waived from investigation. Some death penalty offenders were commuted to life or lesser sentences.

Article 8

Prohibition of slavery and forced labour

103. It is stipulated in the 1992 Constitution of the Socialist Republic of Vietnam that "The citizen shall enjoy inviolability of the person and the protection of the law with regard to his life, health, honour and dignity" (Article 71) and "The citizen has the duty to perform public-interest labour in accordance with the provisions of law" (Article 80).

104. The Labour Code (passed by the National Assembly on 23 June 1994) provides that "Every person has the right to work, and the right to free choice an employment and occupation ... without any discrimination in respect of sex, race, social background, creed, or religion. Maltreatment of workers and the use of forced labour in whatever form are prohibited" (Article 5).

105. The Ordinance on Public Labour prohibits public labour for State's projects from district level onward or for commercial purpose. Communal People's Committees and Councils must consult with local people about public work of their locality. Only with their consent, can local authorities mobilize public labour to implement the work which the local people have decided.

106. As indicated, slavery and forced labour do not exist in legality and in reality under any form in Vietnam.

Article 9

Right to liberty and inviolability of person

107. The right to liberty and inviolability of person is one of the citizens' fundamental rights and is protected by law. Acts that do harm to other people's life, health and dignity are severely combatted. This principle is evidently provided for in the 1992 Constitution, the Civil Code, the Penal Code, the Code on Criminal Procedures, the Ordinance on Enforcement of Imprisonment Sentence, the Rules of Detention Centers and other instruments as mentioned in the First and Second Reports.

108. In recent years, the State of the Socialist Republic of Vietnam has gradually strengthened and institutionalized the regulations regarding the exercise and protection of the right.

109. The revised Penal Code passed by the National Assembly on the 21 December 1999 has made radical amendments to penalties of violating other persons' life, health and dignity. The new feature of the 1999 Penal Code is an increase in the number of provisions on crimes against others' life, health and dignity (10 articles are added compared to the 1985 Penal Code) including crimes of sexual abuse of children, smuggling, fraudulently exchanging or abduction of children, which used to be subjected to lighter sentences or regarded not as crimes against life, health and dignity of other persons previously. Furthermore, the Penal Code has also been supplemented with some new crimes such as spreading HIV to other persons (Article 117) and intentionally transforming HIV to other persons (Article 118).

110. Greater specification of constituent factors of crime subjected to penal liability and aggravated sentences of such crime reflects the state's desire to attach more importance to the right to inviolability of person and rigorous prohibition of offences.

111. The 1999 Penal Code stipulates in more specific terms the offences in violation of the judicial procedures (Chapter XXII) to enhance the accountabilities of judicial personnel for the protection of citizens' freedoms including the inviolability of person.

112. Crimes committed by judicial personnel are subjected to more severe punishment than previously such as increased imprisonment sentence (for some crimes, the ceiling sentence is increased from 7 to 15 years). And non-custody sentence is now no longer applied to this kind of crime.

113. To ensure the effective implementation of the 1999 Penal Code and at the same time better protect citizens' rights and freedoms from arrest, custody, detention, prosecution and trial, the National Assembly, on 9 June 2000, passed the revised Criminal Procedures Code, which provides explicitly that those who perform the proceedings have to *strictly conform to law and be responsible for their own acts and decisions. Those who breach the law in the process of arrest, detention, custody, investigation, persecution and adjudication of person or in the execution of judgement, shall be disciplined or subjected to criminal prosecution depending on the gravity of their violations* (Article 10a).

114. *With regard to emergency arrest,* certain provisions of the Code have been revised to apply for only those who are preparing to commit a very serious crime which may result in up to over 7 years (it was 5 years previously) of imprisonment are subjected to emergency arrest. To ensure proper legality of the emergency arrest and to avoid abuse of power, the authority issuing the arrest warrant is required to submit immediately to the Procuracy a written notice about the arrest together with relevant documents for approval.

115. *Regarding the conditions applicable and people subjected to temporary arrest,* the Criminal Procedures Code was revised to contain more detailed and restrictive provisions. By and large, it is now only applied to serious and especially grave crimes.

116. *The second paragraph of Article 70 of the Criminal Procedures Code stipulates that "the accused and defendants who are pregnant women, women nursing under 36-month-old children, the elderly under bad health conditions or people with serious diseases with credible residential address, shall not be subjected to temporary arrest but other preventive measures, except for special cases.*

117. As far as the duration of temporary arrest is concerned, the revised Criminal Procedures Code shortens the time for less serious crimes in order to oblige investigating authorities to promptly finish its work within the time limits.

118. Concerning the right to trial within a reasonable time period of a person arrested or detained on a criminal charge as mentioned in paragraph 3 Article 9 of the Covenant, according to the Vietnamese Criminal Procedures Code, within no more than 30 days for less serious crime, 45 days for serious crimes, two months for very serious crimes and three months for especially grave crimes after the courts receive dossiers of the case from the investigating authorities. The judge shall make one of the following decisions no matter whether the accused is being detained or not:

(a) Initiate the trial;

(b) Return the file dossiers for further investigation;

(c) Cancel or postpone the case.

119. In complicated cases, the presiding judge has authority to prolong the pre-trial period but no more than 15 days for less serious and serious crimes, 30 days for very serious and especially grave crimes. After the decision has been made, the trial shall be opened within 15 days. It could be opened within 30 days if the reason for delay is justifiable.

120. About the right to compensation for unlawful arrest or detention, Article 72 of the Vietnamese Constitution stipulates "Any person who has been arrested, held in custody, prosecuted, bought to trial in violation of the law shall be entitled to damages for any material harm suffered and his reputation shall be rehabilitated. Any body who contravenes the law in arresting, holding in custody, prosecuting, bringing to trial another person thereby causing him damage shall be severely combatted."

121. Specifying further this constitutional provision, Article 24 of the Criminal Proceedings Code stipulates: "an authority conducting unlawful arrest or detention must restore the dignity of and compensate for the victim". The Vietnamese Government has also issued on 3 May 1997 Decree 47/CP on compensation for damages caused by civil servants and juridicial authorities. The Government at the moment is working on a legal instrument on compensation for the victims (of unlawful criminal proceedings) to be submitted to the National Assembly's Standing Committee for approval in order to better protect the legitimate rights and interests of citizens.

122. Human resource is considered as a valuable asset of the society. The State has therefore attached greater importance to this aspect to protect and ensure the citizens' rights to freedoms and inviolability of person. Acts violating those rights are strictly dealt with, as a result, severe penalties are applied to crimes against the life, health, dignity and freedoms; especially those committed by juridicial persons.

123. There exist many causes leading to violation of citizens' freedoms and inviolability, noteworthy is the poor knowledge of laws and regulations and people. People are also not fully aware of their rights and obligations. There exist many officials, especially at local levels in general and a few officials working in investigating, prosecuting, and law enforcement branches who are not capable enough.

124. To solve this problem, the Vietnamese State in recent years has increased its strictness in handling these violations, and at the same time strengthened its work on disseminating legal information and on education activities for the population and provides training for public officials to enhance their professional capacity and working ethics, especially for those working in investigating and law enforcement branches.

Article 10

The right of persons deprived of their liberty to be treated with humanity

125. The State of Vietnam views that the imprisonment of convicted persons is neither aimed at antagonizing them physically or mentally nor humiliating their dignity. The main objective is to educate convicted persons to become good citizens.

126. Over the past years, the State has constantly reviewed the detention and law enforcement activities, and continued to issue various documents at different levels and in various fields to improve the legal system relating to the rights of persons deprived of their liberty. The State has also ensured that these rights are enforced effectively and in conformity with specific conditions of Vietnam.

127. Decree No. 89/1998/ND-CP on temporary arrest and detention (replacing Decree No.149/HDBT of 5th May 1992) inherited existing positive provisions relating particularly to detention standards and medical treatment. The Decree also supplemented new provisions improving the rights of detainees (both Vietnamese and foreigners), and allowing them, especially those with death penalties, to have meetings with their family members.

128. Convicted persons in penitentiaries shall enjoy humane treatment in accordance with legal documents that are in force, such as the Ordinance on the Imprisonment Enforcement (20 March 1993), Rules of Penitentiaries (Decree No. 60/CP of 6 September 1993), Inter-Ministerial Circulars No. 03/TTLN (30 June 1993), No.11/TTLB (20 December 1993) and No. 12/TTLB (20 December 1993), issued by relevant agencies to instruct the enforcement of regulations and conditions related to prisoners' diet, clothing, accommodation, working and learning, entertainment, medical treatment, meetings with and receiving supplies from families and friends, commendation and imprisonment commutation etc. Particularly, the Ordinance on the Imprisonment Enforcement issued on 8th March 1993 clearly stipulates that juvenile and

female convicted persons shall be kept in separate areas and enjoy more favorable treatment regarding monitoring, education, working, learning and living regimes appropriate to their gender and age. The above-mentioned facts manifest the humane nature of the State in its approach towards those who once committed crimes and being penalized by law.

129. In order to ameliorate law enforcement activities, the Ministry of Interior (now the Ministry of Public Security) issued Decision No.197/QD-BNV (X13) on 26 April 1996 to bring under the unified management of the Penitentiary Management Department of the Ministry all provincial and local penitentiaries, including the re-education and rehabilitation centers.

130. After five years of implementation of this Decision, the infrastructure for the re-education and rehabilitation activities has been basically upgraded, the quality of these activities also improved. Besides, the detainees' living conditions, material and moral life have been increased. (These improvements include: Tens of thousands of batches of prisoners have received medical examination and treatment; epidemics have been prevented; no case of exhaustion and death from exhaustion; national electricity line has come to 100% of the penitentiaries; 70% of detainees originally illiterate have become literate; detainees have been arranged to work 40 hours per week; newspapers and televisions have been available. Many prisons have organized class rooms, libraries, reading rooms, clubs, music groups, skills competitions, and sport activities, thus meeting their basic needs in the cultural and information areas. These humane activities have been recognized and highly valued by individuals, agencies and organizations, as well as international organizations.

131. In order to assist the detainees in this respect, penitentiaries have organized regular Prisoners' Families Meetings to inform the families of the results of the rehabilitation process, and discuss joint measures between families and penitentiaries to ensure their effective education and rehabilitation.

132. To assist them in reintegrating into society as good citizens to work on their own, arrangements have been made between penitentiaries and labour agencies and authorities at different levels to establish 24 vocational training centers for tens of thousands of prisoners to provide training in handicraft, mechanics, garment and textile. Many detainees, after serving their sentences have been able to find jobs in these areas and earn their living.

133. To raise the awareness of those involved directly in law enforcement activities on their responsibility, in 1998, the Ministry of Public Security organized training courses for its staffs and officers working in investigation bodies and penitentiaries throughout the country.

134. Besides the administrative activities mentioned above, Vietnam also pays sufficient attention to monitoring and inspection. The Office of the People's Procurator has appointed their staff to directly monitor and supervise over the penitentiaries at their respective levels. Therefore, all acts of violation have been detected in time, and several cases have been prosecuted.

135. Pursuant to the policy of clemency, over the past years, the State of Vietnam has granted amnesty and commutation to tens of thousands of detainees. In the year 2000 alone, the State President decided to pardon and release 23,337 detainees before the completion of their sentence,

and commuted the sentences of over 10,000 others. On this occasion, the authorities also decided to allow hundreds of convicted persons to suspend or delay the execution of their sentences for humane reasons.

136. At present, financial and educational investment is still being assigned to improve further the quality of the penitentiary system, including the education and rehabilitation of detainees. Staff working in this field are increasingly improved in terms of virtues, qualifications, and capability, to ensure the right of detainees to be treated with humanity in line with the reform process.

Article 11

No one shall be imprisoned on the ground of inability to fulfil a contractual obligation

137. The 1999 Penal Code consists of 344 Articles, but none of them stipulates the criminal responsibility of persons who have not fulfilled their contractual obligations. There exist also no provision in other codes or law stipulating criminal responsibilities for non-fulfillment of contractual obligations.

138. In Vietnam, there are three types of contracts, namely, civil contract, economic contract and labour contract. Each type of these contracts is regulated by different legal instrument.

139. The 1995 Civil Code governs civil contracts. Chapter II consists of provisions on common civil contracts (Articles 421-598) and other types of contracts such as contract for the transfer of land-use rights (Art 699-Art. 713), contract for the lease of land-use right (Art. 714-Art.726), contract for the mortgage of land-use right (Art. 727-Art. 737). Article 27 of the 1994 Labour Code regulates different types of labour contracts. The 1989 Ordinance on economic contracts also contains provisions on various types of economic contracts.

140. For non-fulfilment of the contractual obligations, the primary responsibility is compensation. Breaches of contractual obligations are not criminal offences, except for the cases involving abuse of power, fraudulence, illegal appropriation of others' property during the implementation of contracts. In such cases they are criminal offences and shall be handled in accordance with criminal proceedings.

141. The Labour Code has one chapter on labour contracts (Chapter IV). This chapter specifies the rights and obligations of parties to labour contracts. If one of the parties violates the labour contract, the highest penalty applied is material compensation, not imprisonment.

Article 12

The right of citizens to liberty of movement and freedom to choose their residence

142. Furtherance to the fundamental principle that "the citizen shall enjoy the right to liberty of movement and freedom to choose residence within the country; freely travel abroad and return

home from abroad in accordance with the regulations of laws" (Art.68, 1992 Constitution), and in keeping with the rule that "the movement and choice of residence shall be decided by the individual in accordance with his needs, capabilities and situation" (Art.44, 1995 Civil Code), the State of Vietnam has, over the past years, introduced more specific and clearer policies and regulations to ensure the liberty of movement and freedom to choose residence of its citizens.

143. Regulations on the movement and residence of citizens within the country have been improved, meeting the requirements of the country's socio-economic development and facilitating the business and travel of the people. Many troublesome administrative procedures have been abolished. Irrelevant legal documents have been amended or replaced by new documents, and made public for better awareness and implementation.

144. The Vietnamese Government issued Decree No. 51/CP of 10 May 1997 on the household registration and management (replacing Decree No. 04/HDBT of 7 January 1988). The authorities have also provided specific instructions in Circular No. 06/TT-BNV(C13) of 20 June 1997, which are more open with less strict requirements on quotas, and abolished irrelevancies on residence conditions.

145. With these new regulations, after only three years, hundreds of thousands of individuals who meet the requirements have been provided with household registration in urban areas or resettled in new economic zones.

146. The socio-economic development gap between different regions usually leads to uncontrolled migration and reallocation of labour. The State has provided huge financial assistance to stabilizing the life of migrants, and is, at the same time, formulating a long-term socio-economic development programs which gives priority to people in mountainous and remote areas in order to narrow the development gap between these areas and the rest of the country.

147. In 1999 and 2000, the State spent over VND 1,700 billion on 5035 traffic transportation projects, schools and health clinics in 3078 communes. Until now, more than 330 communal cultural centers have been constructed and put into operation in accordance with Decision No. 35/TTg of 13 January 1997 on programme to build communal centers in mountainous areas. This has contributed greatly to the programme on population and socio-economic stabilization in mountainous and remote areas. As from 2001, the budget for the Hunger Eradication and Poverty Alleviation Programme, known as Programme 135, will be increased by VND 200-300 billion per year.

148. The State of Vietnam has also issued numerous specific regulations on housing (including Directive No. 191/CT-TTg of 3 April 1996 on the sale of state-owned houses and the granting of certificates of house ownership rights and land use rights in urban areas; Directive No. 18/CT-TTg of 1 July 1999 on the granting of agricultural and rural land-use rights certificates; Decree No. 45 of 3 August 1996 supplementing regulations on house ownership rights and the land-use rights in urban areas; Decree No. 25/ND-CP of 19 April 1999 on the procedures to establish house ownership rights) to facilitate permanent resettlement. The State has also constructed a series of residential areas and high buildings to provide housing to the people.

149. On 5 November 2001, the Prime Minister issued Decree No. 81/2001/ND-CP allowing certain categories of over-sea Vietnamese to purchase and own house in Vietnam for residential purpose.

150. Regarding the movement of Vietnamese citizens, the Government issued Decision No. 957/1997/QD-TTg of 11 November 1997 to streamline immigration procedures, including the removal of exit visa for Vietnamese citizens who travel abroad. Regulations on the free travel of citizens to foreign countries and return to Vietnam have been codified in Decree No. 05/2000/ND-CP of 3 March 2000 on the immigration of Vietnamese citizens, with more open provisions. The Ministry of Public Security and Ministry of Foreign Affairs have issued the Inter-ministerial Circular No. 02/1998/BNV-BNG to provide specific guidance for the implementation of the above-mentioned documents. As a result, in the first six months of 1998, the number of Vietnamese traveling abroad increased by over 22% as compared with the same period of 1997. To further ensure and expand the free travel of its citizens, the State of Vietnam is considering to issue an Ordinance on Exit and Entry to meet the requirements of economic development and improved living standards of the people.

151. Pursuant to the policy of openness and economic integration, socio-economic activities throughout the country, especially in border areas, have seen significant changes over the past years. The formation and development of new border-gate and economic zones require adjustments, both in scale and in forms, in the monitoring of citizens' residence and movement (in border areas). In this regard, the Government introduced Decree No. 34/2000/ND-CP of 18 August 2000 on the regulations for land border areas (replacing the three Decrees on the regulations for border areas with China, Laos and Cambodia), which removed almost all papers that citizens are required to apply for and present when they enter border areas. Also according to this Decree, non-resident foreigners in border provinces or cities wishing to enter border areas can receive permit in that province or city, instead of requiring permits from the central level.

152. The Vietnamese Government has also considered in more details the repatriation requirement of over-sea Vietnamese. In this regard, together with Decision No. 59/QD-TTg of 4 February 1994, on 21 November 1996, the Prime Minister issued Decision No. 875/QD-TTg which allows the repatriation of overseas Vietnamese. This Decision clearly stipulates that within 30 days the repatriates can complete their household and residence registration, and shall fully enjoy all citizen rights.

153. As for Vietnamese citizens who have been permitted by other governments to reside in their countries for different reason, (inter alia, doing business, family reunification or humanitarian reasons), the State of Vietnam facilitates their exit and the resolution of their property-related matters.

154. With regards to Vietnamese individuals no longer permitted to reside in other countries, the Vietnamese Government is willing to fulfill its responsibilities in receiving them back. Vietnam has signed agreements in this regard with the Netherlands in 1994, Germany and Canada in 1995, and Australia in 2001, and is conducting negotiations with several other countries. In order to reach a sustainable and stable solution to other problems and issues relating to Vietnamese residing overseas, the Prime Minister has required the relevant Vietnamese authorities to discuss and conclude bilateral agreements with the countries concerned

(Directive No. 747/CT-TTg of 15 November 1995). This is also aimed at creating a cooperative mechanism with those foreign countries to ensure the legitimate interests of the returnees and other residing Vietnamese.

155. At the same time, the Vietnamese Government encourages Vietnamese citizens residing overseas to invest into Vietnam, allows and facilitates their visits to Vietnam or their repatriation.

156. To date, there are over two million over-sea Vietnamese living in 70 countries. The State of Vietnam always pays attention to protecting its citizens abroad, and this has been Vietnam's consistent policy. This is clearly stated in the Vietnamese Constitutions. According to the 1992 Constitution, the Government is the highest State management agency responsible for protecting Vietnamese citizens abroad. Pursuant to the Consular Ordinance of 19 November 1990 and Decree No. 189/HDBT of 4 June 1992, consulates of Vietnam have the duty to take all necessary measure to safeguard legitimate rights and interests of Vietnamese citizens in the receiving states, and to restore those legitimate rights and interests that have been violated. They shall also provide assistance to Vietnamese citizens in case of arrest, custody, detention and imprisonment, and represent them in other cases such as inheritance and protection. The protection of Vietnamese citizens shall be done in accordance with the laws of the receiving state and of Vietnam and with the international treaties to which Vietnam and the concerned state are parties, and together with international practice.

157. In brief, the State of Vietnam has done its utmost to ensure the rights of citizens to liberty of movement and freedom to choose residence, and create favourable conditions for its citizens to exercise these rights. However, it is necessary to emphasize that these rights are at the same time associated with the citizens' duties towards the community, and are therefore subject to certain limitations. These limitations are made public and are only applicable to specified persons such as those who have been decided by the Court to be under detention or custody in accordance with the Criminal Proceedings; and to areas like border areas or restricted areas as stipulated in Decree No. 42/HDBT of 29 January 1993 on the Status of the Vietnam – Cambodia Border Area, Decision No. 128/TTg of 1 December 1992 on identifying restricted areas where restriction signs are erected, or Decree No. 56/CP of 18 September 1995 related to foreigners and Vietnamese residing overseas renting houses in Vietnam.

Article 13

Rights and duties of foreigners in Vietnam

158. Foreigners lawfully reside in the territory of Vietnam are respected. Their fundamental rights and interests are protected by Vietnamese laws. According to Article 81 of the Constitution of the Socialist Republic of Vietnam, "foreigners residing in Vietnam shall receive protection with regard to their life, possessions and legitimate interests in accordance with Vietnamese laws". Under the current provisions of the laws, legal interests of foreigners residing in Vietnam are well protected, only those who have breached the laws can be expelled in accordance with a criminal order of a Vietnamese Court or an administrative decision of a Vietnamese authority (hereinafter referred to as criminal expulsion and administrative expulsion).

159. Criminal expulsion is included in the provisions of the Penal Code (entered into force on 1 July 2000) and in the Ordinance on Entry, Exit and Residence of Foreigners in Vietnam (28 April 2000).

160. Article 32 of the 1999 Penal Code states: "Expulsion is applied by courts either as a principal penalty or an additional penalty, depending on each specific case".

161. Expulsion is a new form of punishment which has been supplemented to the 1999 Penal Code. This is aimed at reducing the cases of imprisonment, which is more severe than expulsion and if convicted, the person must serve the sentence in a penitentiary in Vietnam.

162. Foreigners residing in Vietnam, after being convicted, enjoy similar rights as Vietnamese as stipulated in the Code on Criminal Procedures, including the right to defend themselves and the right to appeal.

163. The Criminal Procedures Code stipulates that the accused and the defendant have the right to defend themselves or request for a defense lawyer before court. The accused and defendant may defend themselves in their own language and Vietnamese translation is provided. Within 15 days as of the date of the sentence or expulsion order, the convicted person has the right to appeal to a higher court in accordance with proceedings of the Court of Appeal. Expulsion will only be executed after the order has taken effect.

164. Decree No. 21/2001/ND-CP on the implementation of the Ordinance on Entry, Exit and Residence of Foreigners in Vietnam of 28 April 2000 and Decree 54/2001/ND-CP on the Execution of Expulsion Orders stipulate that foreigners residing in Vietnam shall be expelled in the following cases: 1) Committed a crime but exempted from criminal responsibilities; 2) Seriously violate Vietnamese laws, and are subject to administrative penalties; and 3) For national security and public order reasons (Article 17 of Decree No. 21/2001/ND-CP).

165. In case of disagreement with the expulsion order, the foreigner or his legal representative has the right to appeal (Ordinance on Administrative Violations).

166. The expulsion order and decision shall be notified to the person to be expelled no less than 24 hours before execution. Only when the person refuses to execute the expulsion order, forced expulsion be enforced (Article 17 Ordinance on entry, exit and residence of foreigners in Vietnam).

167. In the draft Ordinance on Administrative Violations (being amended), there is a new provision on administrative expulsion to be in conformity with the Ordinance on Entry, Exit and Residence of Foreigners Residing in Vietnam.

Article 14

The right to be equal before the court and to be tried in a just, independent and impartial way

168. Article 52 of the 1992 Constitution of the Socialist Republic of Vietnam enunciates that all citizens are equal before the law. Article 8 of the Law on Organization of People's Courts 1992 also regulates: "The People's court holds trial in compliance with the principle that all citizens are equal before the law, regardless of sex, ethnicity, religious belief, social background and status".

169. Article 4 of the amended Criminal Procedures Code (9/6/2000) provides: "Criminal procedures are conducted in line with the principle that all citizens are equal before the law, regardless of sex, ethnicity, religious belief, social background and status. Anybody that violates laws is dealt with in accordance with the provisions of laws".

170. The principle of "all citizens being equal before the law" is defined in more concrete terms in other provisions of the Code and also in other related legislations, as already indicated in the second report.

Article 15

Non-Retroactiveness in Penal Code

171. Non-retroactiveness is an important principle in Vietnam's Penal Code and was first stipulated in the 1985 Penal Code (Article 7) and has been maintained throughout the penal legislation process up to now. The essence of the non-retroactive principle is clearly reflected in Article 7 of the 1999 Penal Code: "The provision applied to a criminal act shall be the provision currently in force at the time such criminal act is committed".

172. However, prompted by the humane policies of the State of the Socialist Republic of Vietnam and in conformity with the spirit of Article 15 of the Covenant ("If, subsequent to the commission of the offence, the law allows for the imposition of lighter penalty, the offender shall benefit thereby") Vietnam's penal law permits the application of retroactive principle to those criminal acts committed before the coming in force of the Penal Code only in the case when the offenders can benefit from the newly introduced provisions.

173. According to the Resolution N° 32/1999/QH10 of the National Assembly on the implementation of the Penal Code, the following provisions of the Code will come into effect as from the date of public notification: capital punishment shall not be imposed on those committed the offence for which the Penal Code has abolished death penalty, such as pregnant women, women who have to feed children under 36-month-old at the time of the commission of the offence or during the trial; if death penalty has already been declared with regard to those people but not yet executed, then the execution shall be waived, and the offender will receive the next highest degree of penalty (i.e. life imprisonment) stipulated by the new Penal Code.

174. Since 1996 when the Penal Code went into force, the non-retroactive provisions have been strictly observed, guaranteeing the legal rights of offenders, with a typical case of life sentence instead of capital penalty to defendant Nguyen Thi Dien Quynh (killing her step-daughter by throwing the girl into the Red River).

Article 16

The Right to Be Recognised as Having Legal Capacity

175. Legal capacity of an individual is stipulated in Article 16 of the Civil Code of the Socialist Republic of Vietnam, (already indicated in Para.85 of the Second Report).

176. Articles 19, 20, 21, 21, 22 and 23 of the Civil Code contain other specified provisions on capacity for civil acts of an individual as follows: Only persons who attain full eighteen years of age or older have full capacity for civil acts; persons who are of full six years of age or over but under full eighteen years of age have limited capacity for civil acts; persons who are under full six years of age do not possess the capacity for civil acts.

177. In a number of fields, the law specifically stipulates the age requirements to undertake transactions and contracts, for example:

(a) In the sphere of labour: (Ibid. Para.87 (1) of the Second Report);

(b) In the sphere of marriage and family: (Ibid. Para 87 (2) of the Second Report);

(c) In the sphere of civil transactions: (Ibid. Para 88 of the Second Report);

(d) In the sphere of voting and standing for election.

178. Article 54 of the 1992 Constitution of the Socialist Republic of Vietnam stipulates as follows: "The citizen, regardless of ethnicity, sex, social background, religion, education, occupation, time of residence, shall, upon reaching the age of eighteen, have the right to vote, and, upon reaching the age of twenty-one, have the right to stand for election to the National Assembly and the People's Councils in accordance with the provisions of law". This provision is specified in Article 2 of the Law on Voting for Deputies of the National Assembly on April 17, 1997 and Article 2 of the Law on Voting for Deputies of the People's Councils on July 5, 1994 (already amended).

179. Besides those provisions on the right to recognition of legal capacity, Vietnam's laws also contain regulations on the conditions and procedures for recognition of the loss of the capacity for civil acts and of limited capacity for civil acts (Article 24, 25 of the Civil Code).

Article 17

The right to inviolability of domicile and of correspondence

180. The right to inviolability of domicile and correspondence is enunciated in the 1992 Constitution.

181. The 1999 Penal Code does not provide for new offences, however substantive contents of those provisions relating to this offence have been remarkably amended and becoming more specific and better articulated.

182. Offences for violation of citizens' domicile have been amended with aggravating factors, namely the organized acts of violation or those causing serious consequence; probation has been abolished; the lowest imprisonment sentence is now 1 year (formerly 6 months).

183. Offences for violation of inviolability of others' letters, telephone calls and telegrams, substantive provisions are expanded to cover wider range of offences, namely the right to safety and secrecy of telexes, faxes and other messages sent by electronic means. Heavier penalties are supplemented to organised crimes, abuse of power, repeated offences; serious consequences, recidivism.

184. Imprisonment terms covers from 3 months to 2 years for those offences. In addition, as for the fines, capital fine has been raised from 2 to 20 million VND (formerly from 1 to 5 million VND).

185. For the execution of investigation and law enforcement purposes, the competent authorities are permitted to search the offenders' domicile, examine, seize or freeze the objects, documents, letters, telegrams, packages and parcels, provided that all these activities strictly comply with the legal procedures and authorities.

186. The amended Criminal Procedures Code of 2000 contains specific provision on the responsibility to keep intact the objects, documents, letters, telegrams, parcels and packages that are seized or frozen; if those in charge of keeping the aforesaid objects break the seal, utilise, transfer, fraudulently replace, hide or destroy them they shall be responsible before the law.

187. The right to inviolability of domicile and correspondence is guaranteed and respected not only by penal laws and Criminal Procedures Code but also by a number of other legal documents, namely Resolution 58/1998/NQ/UBTVQH 10 dated August 24th, 1998 about civil transactions regarding real-estate undertaken before July 1st, 1991. Based on that Resolution, many residential houses that were abandoned, or used for other purposes, or rented not in accordance with existing legal procedures, or occupied due to historical reasons or wars, etc, have been returned to the owners or satisfactorily compensated in line with the Decree 25/1999/ND-CP dated April 19th, 1999 of the Government and the Circular 02/1999/TT-BXD of the Ministry of Construction.

188. When the State confiscates land for national defence and security purposes or for national and public interests, compensation is required and publicly implemented so as to harmonize the State's purposes with the interests and aspirations of the people. Those who have to resettle can choose the forms of compensation, either in cash or in exchange for another house or land of similar value and location. If they do not wish to stay in urban areas, they will receive an additional cash sum of 10% of the value of their former property beside the newly allotted land (Decree 22/1998/ND-CP dated April 24th, 1998).

189. Along with the efforts to guarantee the right to inviolability of domicile, special attention is also given to the right to secrecy of correspondence.

190. Further to the above-mentioned stipulations, the Government has also issued a Decree 109/1997/ND-CP on November 12th, 1997 on Post and Telecommunications institutionalising a series of principles of respect for the secrecy of correspondence, with the following contents: appropriation, destruction, opening, replacement, revealing content of the parcels, packages or telegrams of other people are prohibited; organizations and individuals undertaking the transportation service are responsible for the safety of the objects during the transportation; letters and postcards sent from Vietnam to foreign countries and vice versa shall not be checked by State's competent authorities; packages or parcels which are not possible to be delivered to recipients or authorized guardians nor returned to the senders or to those entitled to receive them should be kept in store for at least 12 months since the sending date before being considered as unidentified packages and dealt with by a Council with a detailed minutes.

191. Supervision over the activities of the post and telecommunications network as well as examination, inspection and seizure of packages and parcels, telegrams of organizations and individuals shall be solely conducted by State's competent authorities in accordance with the provisions of law. It is forbidden to open for examination the packages and parcels that are being in transport, except for special security emergency identified by the Minister of Public Security or by the Head of the General Department of Post, or in cases there is clear evidence that those packages and parcels contain narcotic drugs, addictive drugs or pre-addictive chemicals, stimulants as prescribed in the Law on Drugs Prevention and Control adopted by the National Assembly on December 9th, 2000.

192. With such detailed and strict provisions, over the past years, citizens' right to secrecy of correspondence has been guaranteed (there was no case to be brought by the law). At present, guarantee of the rights to freedom and democracy in general and inviolability of domicile and correspondence in particular continue to be strengthened by the State of Vietnam, both in terms of legal regulations and effective implementation.

Article 18

Freedom to Belief and Religion

193. Vietnam is a multi-religion country comprising 6 major religions, namely Buddhism, Catholicism, Protestantism, Muslim, Cao Dai, Hoa Hao with more than 20 millions followers accounting for one third of the population. Freedom of belief and religion is respected and protected by the State of Vietnam.

194. In furtherance of the provision of the 1992 Constitution, the Civil Code of the Socialist Republic of Vietnam adopted on October 28th, 1995 stipulates: "In civil relations, the parties shall be equal and shall not invoke differences in ethnicity, gender, social status, economic situation, belief, religion, education and occupation as reasons to treat each other unequally" (Article 8), "Freedom of marriage between persons belonging to different ethnicities/nationalities and/or religions and between religious and non-religious individual shall be respected and protected by law"(Article 35) and "an individual has the right to work. Every person has the right to employment and is free to choose a job or occupation without being discriminated against on the grounds of his/her gender, ethnicity, social status, belief or religion" (Article 45).

195. The right to freedom of belief and religion is also enshrined in Articles 81, 124 and 205a of the Penal Code, in Art. 4 of the Criminal Procedures Code and in Articles 9 and 16 of the Law on Education.

196. On April 19, 1999 the Government issued a new Decree (No. 26/1999/ND/CP) on religious activities to replace the previous one issued in March 1991. This Decree signifies the comprehensive policy of the State of Vietnam on freedom of belief and religions in the new context to protect the citizens' rights. At the same time, it prohibits all acts of violation against the right to freedom of belief and religion, as well as acts of abusing religions to conduct illegal activities against the State, causing public disorder and damaging national unity.

197. Over the past years, religious followers in Vietnam are encouraged by the State to participate in educational, charitable and humane activities through the guidance of relevant agencies. Favourable conditions are created for religious organizations and individuals to conduct international exchanges and overseas studies (see the statistics table on migration and overseas studies). Thanks to this policy, there is a strong growth in the religious population in Vietnam (See Annex 4).

198. As part of the programs of exchanges between Vietnam's religious organizations and the outside world, many individuals and representatives of international religious organizations have visited Vietnam, such as the International Congregations, Bishop Councils of France, USA; Buddhism Organizations from Japan, ABCP, and representatives of foreign Protestant organizations …

199. In Vietnam, any religious organization whose objective and charter, are in conformity with the Constitution and law shall be permitted to operate and protected by the law. Followers of such religions that have no institutionalised basis in the form of religious organizations are also free to practice their beliefs at recognised places of worship and at home (Decree 26/1999/ND-CP). Presently, the State has officially recognised the status of the Patronage Council and the Executive Council of Vietnam Buddhist Sangha; the Bishop Council of Vietnam Catholic Congregation, 9 Cao Dai Sacerdotal Councils, the Representative Board of Hoa Hao Buddhism, Federation of Vietnam Protestantism Associations (Northern area), the Executive Board of the Confederation of Vietnam Protestant Associations (Southern area) the Representative Board of the Islam Community of Ho Chi Minh City.

200. Religious organizations are entitled to open training school for the religious dignitaries and priests.

201. There are many Budist training school at advanced and intermediate levels with an increase from 22 in 1993 to 34 at present; about 6700 Buddhist monks and nuns have been trained in these institutions. Before 1975, there was only one Buddhist University, now there have been 3 Buddhism Institutes. So far, 235 monks and nuns sent abroad for training since 1992 and since 1996 there have been 167 persons.

202. Catholics schools comprise of many grand seminaries to train Catholic priests. One grand seminary was opened in 1987, then three in 1988, one in 1991, one in 1994; up to now there are 6 schools altogether. 1,591 people have been studying in these seminaries, among whom 654 have ordained Catholic priests.

203. The Vatican can appoint Catholic priests after consulting with the State of Vietnam and receiving the latter's agreement. There are totally 37 bishops at present, with 5 appointed in 1999, 2 in 2000 and 3 in 2001.

204. Other religions also have training classes for dignitaries, in accordance with their forms of training.

205. The State creates favourable conditions for religious dignitaries and followers to study abroad, to conduct workshops and exchanges on religious affairs with other countries.

206. From 1993 to November 2001, there have been 1,457 religious dignitaries, priests and followers conducting studies abroad (long-term, short-term courses, Buddhism:664, Catholic:1,185, Protestantism: 33, Muslim:180), attending conferences, or conducting exchange tours on religions affairs in foreign countries. Some of these people have successfully obtained high degrees (MA and Doctorate) in their studies.

Article 19

Freedom of speech

207. The right to freedom of speech set forth in the system of legal instruments of Vietnam contains two dimensions:

(a) the State recognizes and ensures the right of the citizen to express and follow their own opinion, and

(b) (ii) the State specifies the obligations of its organs to facilitate full implementation of the right and to pay due attention to the opinions expressed by the citizens. That has been enshrined in the Vietnamese Constitutions and other fundamental laws of the country through all stages of development.

208. The 1992 Constitution stipulated: "Every citizen has the right to participate in the administration of the State and management of society, to discuss common issues of the country and his/her locality and to present recommendation or petitions to State organs" (Article 53) and "The citizen has the right to freedom of speech, freedom of assembly, of associations and demonstrations in accordance with the provisions of the law" (Article 69); the citizen has right to

receive information (Article 69); the Government is responsible for ensuring the implementation of this right (Article 112). More specifically, the 1992 Constitution defines that: "All State organs, cadres and employees must show respect for the people, listen to their opinions and submit themselves for people's supervision; all manifestations of bureaucracy, arrogance, arbitrariness and corruption shall be vigorously opposed" (Article 8).

209. The Constitution also clearly defines the obligations of the People's representative organs to help the people enjoy the right to have their own opinion respected. Article 97 provides: "The deputy of the National Assembly must collect and faithfully reflect the electors' opinions and aspirations to convey to the National Assembly and the State organs concerned".

210. Article 98 provides that the deputy to the National Assembly has the right to interrogate and request for a hearing to be made by the country's President, the Chairman of the National Assembly, the Prime Minister, Cabinet Ministers and other members of the Government, the President of the Supreme People's Court, and the Head of the Supreme People's Office of Supervision and Control. In case an inquiry is needed the National Assembly may decide that the answer should be given to its Standing Committee or one of its subsequent sessions, or may allow the answer to be given in writing.

211. Together with the Constitution, there are other laws and regulations specifying in greater detail the content of this right. The Law on the Press promulgated in 1989 and revised in 1999 provide that every citizen has the right to express views in the mass media in accordance with the provisions of law. The right of the press not to be subjected to censorship is also reaffirmed. In addition, there are also 15 other government decrees and 23 circulars providing guidance for the implementation of the law in this area.

212. The Decree No 133/HD-BT dated April 20th, 1992 on the implementation of the Law on the Press states that "The press is responsible for receiving and publishing opinions and recommendations of people. If they are not published within a month, the press agencies must respond with clear explanation" (Article 1). Within 15 days from the date of receipt of the complaints by a citizen or by the press, the heads of those state organs or social organizations concerned have to respond and notify the measures they have taken (Article 2).

213. At present, there is one limitation that is the Law does not allow private publishing house. However, in the present context of Vietnam, this regulation is necessary. Vietnam will try its best to gradually improving the general framework on this matter.

214. However, it must be recognized that the right to expression in particular and right to freedom of speech in general is not exercised freely without limitations. This is also reflected in Article 19 Para.3, of the Covenant. It is necessary to assess this provision in two aspects. On one hand, the State must define clearly the obligations of its organs to pay due attention to and respect opinions of the citizen; on the other hand, the citizens have obligations to act in accordance with the law, to respect other people's rights and reputations, to pay due regard to the interests of others, national security, public order, public health and morals. People must assume responsibility for the validity and true nature of the information, opinions, positions they are presenting in the press.

215. It is the consistent policy of the Government of Vietnam to promote and protect the fundamental rights and freedoms of its people in all spheres: civil, political, economic, social and cultural. The government attaches great importance to the implementation of those rights and freedoms, including the freedom of the press. Before the coming into force of the Law on the Press in 1992, there were in Vietnam about 60 newspapers. At present there are nearly 600 different newspapers and journals, of which 400 are non-governmental. This number signifies a real fact that the right to freedom of the press is implemented in reality. In fact the press today becomes a very powerful force in our society contributing to the protection of the interest of individual people, to the fight against corruption and to providing forum for public debate on different issues.

Article 20

Prohibition of any propaganda for war, hostility, discrimination or violence

216. In their history of national construction and defense, the Vietnamese people were widely known for its humanity and tolerance tradition. In its present course of national defense and construction with its foreign policy of diversification and multilateralization of external relations when "Vietnam is willing to be a friend and reliable partner of all nations striving for peace and development", any propaganda for war, hostility, discrimination is intolerable.

217. The Law on the Press provides that the press shall observe the obligation "not to incite violence, aggressive war propaganda, sow hatred between nations and peoples" (Article 10, Part 2).

218. The Penal Code contains particular penalties against acts of "propagandizing psychological warfare" (Article 88, item 1b) and "sowing division among people of different strata; sowing hatred, ethnic bias and/or division; sowing division between religious people and non-religious people; undermining the implementation of policies for international solidarity" (Article 87, item 1).

219. The Law on Publication Article 2 also determines the need to check and prohibit works propagandizing for violence, aggressive war, causing enmity among nations and peoples.

220. Vietnam's Law on Education also contains provisions "Prohibiting educational activities aim at distorting the State's guidelines, policies, and law, destroying the national unity, inciting violence, propagandizing for aggressive war".

Article 21

The right of assembly

221. The right of assembly is enshrined in the Article 69 of the 1992 Constitution.

222. One aspect of the right to free assembly which is especially recognised in the newly adopted legal documents is the right to strike. Article 7 of the Labour Law issued in 1994 affirms that: "Workers have the right to strike in accordance with the provisions of the Law" and in

Articles 172, 173 define the procedures to undertake a strike in enterprises. At the same time, Article 178 also stipulates that "All acts of repression or reprisals against persons who took part in or had a leading role in a strike shall be strictly prohibited".

223. On April 11th, 1996, the Standing Committee of the National Assembly promulgated the Ordinance on procedures for labour disputes settlement which includes the provisions on settling strikes with a view to protecting the rights and interests of two sides in a labour contract, including society and State's interests. According to this Ordinance, a legal strike must meet the following 6 conditions: arising from labour dispute; taking place within that enterprise; disagreement by the trade union upon decisions made by the provincial labour arbitrators without appealing to the Court for resolution; organizing at enterprise premises which are public service utilities and are essential to the national economy, security and defense stipulated by the Government; not in violation of the decision of the Prime Minister on suspension or cancellation of the strike.

224. Following the Labour Code and Ordinance on labour dispute settlement which define the rights to go on a strike and to settle strikes, the Government issued Decree 51-CP on August 29th, 1996 responding to the demand of the trade unions at the business premises where strikes are not allowed, and Decree 58-CP on May 31st, 1997 on wage payment and resolution of other interests for the labourers who go on a strike.

225. According to Decree 51-CP issued on August 29th, 1996, and in Article 174 of the Labour Code, strikes are prohibited at certain enterprises of public services that may have great impacts on the city's activities or big industrial zones; at enterprises manufacturing or supplying products essential to the economy and life; and enterprises supplying products directly to the security and defence.

226. For these enterprises, the Provincial Departments of Labour, Invalids and Social Affairs in co-ordination with concerned agencies shall organise meetings every six months for collecting opinions of representatives of the collective labour and employers in these enterprises with an aim to respond timely to legitimate demands of the labour. In case the Provincial Departments of Labour, Invalids and Social Affairs is requested to resolve issues beyond its competence, it has to report to the People's Committee at the city and provincial levels, the Ministry of Labour, Invalids and Social Affairs and other relevant State agencies for solutions.

227. According to Decree 58-CP dated May 31st, 1997, wage payment and the settlement of other interests of the labourers participating in strikes shall be based on the decisions of the Court on the legitimacy of the strike and the mistakes of each side in carrying out provisions of the Labour Code. In case the Court decides that the strike is legal and the employer is wrong, employees will receive full-payment during the days of strike and enjoy other benefits that defined in the Labour Code (Article 1 and 2).

228. Additionally, the right to freedom of assembly is also recognized and protected by the criminal laws in general and by the 1999 Penal Code in particular.

Article 22

The right to freedom of association

229. Freedom of association is recognized in Article 69 of the 1992 Constitution as follows: "citizens have rights to conduct meeting, form associations, hold demonstrations in accordance with the laws". This right also is stipulated in the penal law as well as the Penal Code of 1999.

230. In the period before 1996, activities of associations were regulated by the Law No. 102-SL/L004 on 20 May 1957 and by the implementing Decree No. 258/TTg on 14 June 1957 and also by Directive No. 01-CT/H§BT on 5 January 1989 on the management of organization and activities of mass organizations, and implementing Directive No. 202-CT/ H§BT on 5 June 1990 (as mentioned in the Second Report).

231. In recent years, organizations and associations have been in rapid development at the central and local levels. The Government has issued regulations to promote activities and enhance the roles of associations in the period of industrialization and modernization such as the Prime Minister's Decree No. 14/2000/CT-TTg on 1 August 2000 on the implementation of measures aimed at enhancing the effectiveness and efficiency of the Vietnam's Union of scientific and technical associations, and Decree No. 06/2000/CT-TTg on 9 April 2001 on the implementation of measures aimed at enhancing the effectiveness and efficiency of the Vietnam Bar Association, or Inter-Agency Resolution of the Ministry of Health and the Vietnam Red-cross Association No. 01/1999/NQLT-BYT-CT§ on 5 August 1999 on the implementation of strategies on public healthcare from now to 2000 and to 2002 and so on. The Government is now preparing a draft Law on association to submit to the National Assembly to replace the 1957 Decree.

232. At present, there are about 216 mass organizations operating as national associations throughout the country, which licensed by the Prime Minister and other relevant State agencies. In addition, more than 300 associations are operating in provinces and cities. There are 7 major unions of associations:

(a) Union of scientific and technical associations;

(b) General association of medicine and pharmacy;

(c) Union of associations of art and literature;

(d) Union of friendship organizations;

(e) Association (Federation) of sports;

(f) Association of economic organizations;

(g) Independent associations.

233. Besides, there have been thousands of clubs, groups, teams of different forms and structures being licenced at local level to operate in the field of charity or mutual assistance.

234. Activities of associations are based on the principles of voluntary participation of members, self-management and self-financing operation, in observance of the laws. The Government may approve financial assistance based on the activities and programmes and projects carried out by the associations in accordance with the State regulations to encourage the association's activities and contribute to the implementation of the socio-economic development policy in the interest of social community.

235. *Trade Union*: The workers' right to form and join a trade union is clearly stipulated in the Law on Trade Unions in 1990. Based on the Law on Trade Unions, the Labour Code specifies the duties and powers of Trade Unions of all levels in its relevant provisions in order to clearly define and enhance the position of the trade unions. The Labour Code also defines responsibilities of employers in recognizing and co-operating with trade unions, making favourable conditions for trade unions to operate in accordance with the Law on Trade Unions and Labour Code. Under these laws, any act of interference into the activities of trade unions is prohibited.

236. So far, 18 and 6,020 trade unions at central and grassroot levels respectively have been established. Trade unions have taken part in formulating labour policies, protecting legitimate rights and interests of the employees through guidelines on the signing of labour agreement, playing the role as representatives in negotiations to sign collective labour agreement, solving disputes and monitoring the implementation of the Labour Law. However, due to the delay in the establishment of grassroots and interim trade unions, there remains about 70-80% of non-state enterprises without trade unions.

Article 23

The right to marry and found a family

237. In the Vietnamese society, the family plays an important role as the cells of society. It is also the environment to educate way of life and form personality of each individual, thus making preparations for them to integrate into social community and actively contribute to the cause of national construction and defense. The State has taken many positive measures and creates favourable conditions for citizens to ensure the right to marry and found a family.

238. The Constitution (Article 64), Civil Code (Articles 35, 36 and 38) stipulates that Vietnamese citizens, male and female alike, have rights to marry and found a family conforming to the principles of free consent, progressive union, monogamy and equality between husband and wife in marriage, even when marriage ends.

239. This principle of the Constitution and the Civil Code are further specified in the Law on Marriage and Family of 2000.

240. Article 9 of the Law on Marriage and Family in 2000 stipulates: "The marriage is voluntarily decided by the man and the woman, neither partner is allowed to force or deceive the other, nobody is allowed to force or obstruct their marriage". The minimum age for getting married is 18 for woman and 20 for man. The regulations on the minimum age for getting married does not mean discrimination between man and woman but is based on the conditions of psycho-physiological development of the Vietnamese people to ensure that man and woman when getting married are capable of fulfilling the roles as wife (husband), mother (father) with the aim of ensuring the healthy development for their children and conforming to the moral traditions of the Vietnamese people. The Article 7 of the Laws on Marriage and Family describes circumstances where marriage is forbidden.

241. Article 19 of the Law continues to confirm the equality between husband and wife as a fundamental principle covering the whole system of marriage and family in Vietnam in the new period: "The husband and wife are equal to each other, having equal rights and obligations in all aspects of the family":

(a) During the time of living together:

(i) The domicile of wife and husband is selected by themselves without being bound by customs, practices and/or administrative boundaries (Article 20), and in respect for the right to freedom of religion and belief of husband and wife (Article 22), helping, and creating favorable conditions for each other to upgrade educational level, professional qualifications and skills, take part in political, economic, cultural and social activities and select professions (Article 23);

(ii) Husband and wife have equal rights and obligations in the possession, use and disposition of common property (Article 28);

(iii) Husband and wife have equal right to represent each other when either of them loses his/her civil capacity and to take joint liability for civil transactions (Article 24 and 25);

(iv) Parents have rights and obligations to look after, rear, care for, and protect the legitimate rights and interest of their children (Article 34), to educate their children, attend to and create conditions for their study (Article 37), to be their legal representatives (Article 39);

(b) when divorcing:

(i) In the case of not being able to live together, either spouse or both have the right to request the Court to settle their divorce (Article 90 and 91),

(ii) The court is obliged to proceed with reconciliation to save the marital relationship before settling the divorce (Article 88). In the regulations on divorce, the rights of the women are protected, in which the husband is not entitled to request a divorce when his wife is pregnant or is nursing an

under-12-month infant (Article 85); after the divorce, the husband and wife are still obliged to nurse, care for, educate and raise their children, the person directly raising the children will be decided in the interests of children (Article 92 to 94), the division of property upon divorce are protected by the laws (Article 95, 96, 97 and 98).

242. Compared with previous Laws on Marriage and Family, the Law on Marriage and Family of 2000 contains more adequate provisions on the rights and obligations of the husband and wife in the marriage and family in conformity with the development of the Vietnamese market economy.

243. The Penal Code of the Socialist Republic of Vietnam Article 146 stipulated: "those who force other persons into marriage against their will or prevent other persons from entering into marriage or maintaining voluntary and progressive marriage bonds through persecution, ill-treatment, mental intimidation, property claims or other means, shall be subject to warning, non-custodial probation for up to three years or a prison term of between three months and three years." Articles 148 and 149 stipulate that those who organize marriage for underage persons or those who are responsible for the registration of marriage and know clearly that the applicants are not qualified for the marriage but still make registration for such persons, shall be subject to warning, non-custodial probation for up to two years or a prison term of between three months and two years.

244. The State and social organizations attached much importance to the introduction and education of the laws on marriage and family for the people and children at schools. Young men and women are becoming better aware of their freedom, and voluntary marriage. They have rights to freely choose his/her wife/husband and overwhelming majority of such cases received the support from the families and community.

245. Violations of the right to free marriage have continued to reduce. According to the statistics from local people's courts, in 2000, the number of cases on involuntary and non-progressive marriages are far lower compared to other cases on marriage and family.

246. The implementation of voluntary and progressive marriage in ethnic minorities' areas has seen encouraging improvement. A recent survey shows that most people, both men and women, have consultations with their parents before deciding to get married (81% in Tay ethnic group, 60.7% in Nung, and 77.5% in Thai). Only a few made decisions without consultations with their children (1.5% in Tay, 1.3% in Nung and 3.2% in Thai).

247. However, forced marriage and obstruction of voluntary and progressive marriage are still happen, especially in rural, mountainous and ethnic minorities areas.

248. In order to settle these problems, its is necessary to educate people on the laws to improve their awareness particularly young men and women.

249. According to the Report on the ten years of implementing the Laws on Marriage and Family (1986-1996), a vast majority of the people seriously comply with the law on marriage. Marriage age in cities ranges from 24 to 28 while in rural areas is from 19 to 22.

250. In most Vietnamese families, especially in cities and urban areas, the husband and wife are equal, respect, love and assist each other and together nurse, care for and educate the children. Domestic issues are usually discussed and decided by both the husband and wife, especially on important matters. The husband and wife have equal rights and obligations on their common property, all decisions relating to valuable properties are agreed by the husband and wife. A recent survey shows that nearly 90% of women in urban areas and 70% of the women in rural areas decided economic matters in the families.

251. Reality in Vietnam over the past years shows that after divorce, the father and mother still have equal rights and obligations toward their children, not depending on who is directly nursing the children. While settling a divorce related to nursing children, all infant children, especially at the breast-feeding age, shall be assigned to their mother. Depending on the interest of the children in specific cases, the court shall decide to assign one party to directly nurse the children. The person who does not directly rear children is obliged to provide support for the children.

252. Although the State and social organizations have attached much importance to the education on the law on marriage and family in all social strata from urban to rural and remote areas, the violations of the law on marriage and family still happen:

(a) Violation on the marriage age still remains. The age of child marriage now is from 16-17 for female and 18-19 for male. The main reason is the low public awareness of the law on marriage and family, especially in rural and mountainous areas.

(b) Forced marriage, or obstruction to voluntary and progressive marriage. Ill-treatment and intimidation still happen in rural, mountainous and minorities areas. The main reason is the influence of feudal marriage, patriarchal ideology in the society. This is still a critical issue in the society.

(c) As a traditional practice in the family, the husband used to be the representative and legal owner of land, house and major properties of the family. Therefore, women often faced difficulties in enforcing equality in the property ownership because in many cases husbands were the one who had their name registered in the certificates of common property.

(d) In order to settle these problems, it is necessary to take a comprehensive approach, in which state agencies should pay due attention to the education aspect particularly with respect to the law on marriage and family, and promote the active role of such mass organizations as Women Associations, Youth Union. It is necessary to inspect the marriage registration at people's committees at the commune and district levels as well as to promote training courses for household registration staff. Only in case of serious violation, enforcement of law is required.

Article 24

The Rights of the Child

254. The rights of the child have been incorporated sufficiently into the Constitution. Chapter V on the fundamental rights and duties of the citizen contains 25 Articles particularly Articles 35, 36, 40, 41, 64, 67 relating the rights and duties of the child. Article 40 stipulates: "It is the responsibility of the State, society, the family and the citizen to ensure care and protection for mothers and children; to carry into effect the population program and family planning" Article 65 affirms that "Children shall enjoy protection, care and education provided by the family, the State and Society." Article 64 prescribes: "The State and the Society do not tolerate discrimination among children in the same family."

255. The 1998 Law on Education (Article 9) states: "Every citizen, irrespective of ethnicity, religion, belief, sex, family origin, social status or economic situation, has equal educational opportunities. The State implements social equality in education so that everyone can have equal access to education. The State and community help the poor to have access to education and provide necessary conditions for the brilliant people to develop their talents. The State gives priorities to children of ethnic minorities and areas of extreme socio-economic difficulties, people enjoying social preference, disabled people and those entitled to other social benefits with a view to helping them to effectuate their rights to and duties regarding education."

256. The Law on Protection, Care and Education of the Child was passed by the Ninth National Assembly, on August 12, 1991. The Law comprises 5 Chapters, 26 Articles, which specify in concrete terms the fundamental rights and duties of the child, the responsibilities of the family, State agencies, social organizations and all citizens in ensuring fundamental rights of the child.

257. Article 8 of the 1995 Civil Code stipulates: "In civil relations, the parties shall be equal and shall not invoke differences in ethnicity, gender, social status, economic situation, belief, religion, educational level and occupation as reasons to treat each other unequally". Article 32 governs the right to safety of life, health and body. Article 37 governs the right to enjoy mutual care among family members.

258. In the past years, the State has issued concrete policies to narrow the socio-economic development gap between areas and regions to ensure all-round development and to gradually improve people's material and cultural life, especially for ethnic minorities. Various policies on the rights of the child have been implemented to ensure children's full rights, such as guidelines the teaching and learning of languages and scripts of ethnic minorities; guidelines the implementation of reduction and exemption of school fees; guidelines the collection and use of school fees in public education and training institutions belonging to the national education system and on free education for students of public primary schools.

259. The State has established boarding and semi-boarding schools for ethnic students. The State creates conditions for the people of ethnic minorities to learn their languages and scripts with a view to helping all ethnic minorities to preserve and promote their fine identities and cultural traditions.

260. The State has special policies for children in extremely difficult circumstances providing living allowances for them (Prime Minister's Decision No 167/TTg dated 8 April 1994, and Prime Minister's Decree No 07/2000/ND-CP dated 9 March 2000). Those entitled to living allowances include orphans and the disabled children. Children admitted to various care centers include the mentally handicapped or sexually abused.

261. Children who are sexually abused or drug addicts, when living in care centers receive medical assistance in all aspects. If they stay with families the medical cost may be paid by the State from 50% to 100%.

262. Many policies and measures of the State have been put in place for rehabilitation and re-integration of disabled children, such as community-based rehabilitation programme, surgery programme for the smile of the child, programme for children's eyes, harelip surgery programme.

263. Orphan, disabled children who are still capable of vocational training, street and drugs addicted children and those of poor families are admitted to vocational training programme free if charge at State-owned or charity vocational training institutions. At present, 70 percent of unsupported orphaned children have been taken care of at the commune level.

264. Child labour is prohibited by the law and any form of work that may do harm to the normal development of children is strictly forbidden. As such, on 17 November 2000, Vietnam signed and ratified the ILO 182nd Convention concerning the Prohibition and Elimination of the Worst Forms of Child Labour.

265. The Ministry of Labour Invalids and Social Affairs and the Ministry of Health have issued regulations prohibiting the recruitment of juvenile employees for jobs with hazardous working conditions.

266. The age of criminal liability is full 14 years of age. Therefore, children of 12 to 14 committing crimes, including penal offences, are exempted from prosecution. They are only subject to probation at their communes, wards, towns or special schools. Offenders from of 14 to 16 years old, committing ordinary offences are subject to administrative fines for intentional violation of laws with warnings and fines in cash of up to VND 50,000 without any supplementary punishments. Administrative legislation provides for a lower level of fines in cash for offenders of 16 to 18 than those applied to adults. In the case of children detained for over 6 hours for administrative offences, their parents or guardians should be informed by all means.

267. Decree No. 59/2000/ND-CP dated 30 October 2000 stipulates education measures for juvenile delinquents at local communes, wards, towns. These measures are aimed at creating conditions for juvenile offenders to be educated and reformed at their own communities and to express their remorse in normal social circumstances under the monitoring of the communes' People Councils, social organizations and families.

268. Children under six are entitled to access to primary healthcare and free medical treatment at State Health establishments. Those eligible for free medical treatment comprise the disabled, including children, orphaned children and those from poor families.

269. The State has promulgated the Regulation on Social Insurance, which provides for the entitlement of social insurance allowances for parents whose child under 7 falls ill. Maternal leave is 4 months, during which the mother enjoys her full salary.

270. Many programmes on child healthcare have been successfully carried out in Vietnam, such as programmes on open vaccination, malnutrition control, control of vitamin A deficiency and dry eyes, control of Iodine and Blood deficiency, Control of Diarrhea Disease (CDD), control of acute respiratory infections (ARI) and exemption of hospital fees. On 14 December 2000, Vietnam declared the elimination of polio among children.

271. Major policies on caring for children in terms of cultural and entertainment activities that have been issued so far include: the Regulations on the use of community land for children's recreational activities; policy on publication of books and newspapers for and about children; on providing books and newspapers for children in public libraries, on promotion of cultural, artistic and information activities in schools, on coordination in training for and improvement of teachers of music and arts for students' aesthetic education, on the organization and operation of recreational centers for children and on coordination and guidance of the system of children's cultural house and budget for them; on the provision of subsidy for papers used for publishing newspapers and magazines for children; on supplying text books, literary books, Juvenile Pioneers Newspaper, Young Children Newspaper to mountainous and central highland regions; on establishment of children's reading-room in the library system; on the time and facilities reserved for children in the system of cultural houses; theatres, cinemas, circuses, puppetry theatres and youth theatres all have programmes designed for children and offer tickets at half-price for them, on supplying newspapers and books for children in public libraries, on publishing books, newspapers and films for children. Almost all the provinces have children's cultural houses; more than 50% of districts have recreational centers or cultural houses. From 1992 to 1998, the Government budget allocated for children's recreational facilities and summer activities reached VND 20 billion.

272. However, constraints remain enormous due to limitations in the level of economic development and financial services. The mentality of preferring men to women still exists, especially in rural areas. The rights of the child, therefore, are not fully exercised. In mountainous and remote areas, or regions of extreme economic difficulties, many children in especially difficult circumstances are not well taken care of.

273. In order to gradually improve the mentioned-above situation, the State needs to intensify support and investment to mountainous, remote and rural areas, especially poor villages and disadvantaged children. Education on gender equality should be further promoted and more attention should be paid to female children. At the same time, it is necessary to encourage all members of the society to involve themselves in protecting, caring and educating children, ensuring their political and civil rights, and step by step improving their material and spiritual life.

274. The State should broaden its policies to invest in a rational manner in mountainous, remote and poor areas and to assist children of particularly difficult circumstances.

275. Further, it is necessary to review the implementation of the Law on Protection, Care and Education of the child and other related instruments. On that basis, further suggestions could be made to the State for making necessary amendments and supplements to policies and legislations.

276. The rights of all children to birth registration right after their birth, to have a name and a nationality are clearly stipulated in Vietnam's legal instruments.

277. The rights to birth registration and nationality are closely linked. Paragraph 1, Article 55 of the 1995 Civil Code stipulates: "an individual upon his/her birth has the right to have his/her birth registered without discrimination between legitimate and illegitimate births. The family name of the infant shall be the family name of the father or the mother according to the customs or the agreement between the parents. Where it is not possible to identify the father, the family name of the infant shall be that of the mother. Paragraph 2, Article 55 stipulates: "A father, mother or a next of kin must register the birth of the infant in accordance with the provisions the legislation on civil status." Article 5 of the Law on the Protection, Care and Education of the Child stipulates that: "Children have the right to birth registration and nationality."

278. The 1998 Law on Vietnamese Citizenship, replacing the 1988 version, stipulates in Article 1.1 that: "In the Socialist Republic of Vietnam, every individual shall have the right to citizenship. No Vietnamese citizen shall be deprived of his Vietnamese citizenship except the cases as prescribed in Article 25 of this Law."

279. Article 1.2 stipulates: "The State of the Socialist Republic of Vietnam is an unified State of all peoples living together in the Vietnamese territory; all members of the peoples are equal to the right of having the Vietnamese citizenship."

280. Article 16 prescribes the citizenship of children whose parents are Vietnamese citizens. Article 17 stipulates the citizenship of children whose father or mother is a Vietnamese citizen. Article 18 stipulates the citizenship of children having under birth parents who are non-citizenship persons. Article 19 stipulates the citizenship of newly-born abandoned children and children found in the territory of Vietnam; Chapter 4 prescribes the change of citizenship of the minors and adopted children.

281. Decree No. 83/1998/ND – CP dated 11 October 1998 on civil status, including stipulations on the child's birth registration. Article 18 stipulates: "Within the 30 days from the date of the child's birth, the parents or next kin or persons responsible must have the child's birth registered. For mountainous or remote areas, this must be done within 60 days."

282. Circular No. 12/1999/TT – BTP dated 25 June 1999 of the Ministry of Justice provides for the guidance of the implementation of the Decree No. 83/1998/ND – CP.

283. In addition to the right to birth registration, Article 28 of the Civil Code stipulates the rights with respect to family and given names. Article 29 stipulates the right to change the family name and/or given names. It can be said that, all the above-mentioned rights can only be exercised as long as the right to birth registration is exercised.

284. To ensure this right for all citizens, the system of State management agencies in charge of registration of civil status has been step by step strengthened. Organizations for birth registration have been established from central to grass root levels. The fundamental rights of the child are prescribed in the Law on Protection, Care and Education of the child, among which the rights to birth registration and nationality are put as first priority.

285. At present, the proportion of children with birth registration out of the total number of children born is quite high nationwide (around 70-90%). However, this proportion varies according to demographic areas, which is 90% in urban area, 70-90% in mid lands and plains, and as low as 30-50% in mountainous remote areas (1999 Statistics by the Ministry of Justice).

286. Birth registration procedures have been streamlined to be more scientific, convenient and simple, which is also in conformity with the State's administrative reform.

287. Nevertheless, constraints remain. There is still a large number of children registered not in due time, especially in areas of remote and extremely difficult economic condition, new economic zones or in fishing villages. Some localities still fail to ensure the accuracy of birth registration. There are cases where a child may have two birth certificates at the same time, both of which are inaccurate.

288. Besides, a large number of children have not been registered. At present, the State is carrying out a campaign to solicit all relevant State agencies and social forces to do away with the problem of unregistered children.

Article 25

The Right of the Citizen to Participate in the Social Management

289. The right of the citizen to participate in the management of social affairs is stated in Articles 11 and 53 of the 1992 Constitution.

290. The citizen has the right to participate in social management directly or through his representatives. Through elections, people choose representatives for their will and aspiration.

291. The election to the National Assembly is held in accordance with the principles of universal, equal, direct, and secret suffrage (Article 1, 1997 Law on Election of Members of the National Assembly). The National Assembly consists of representatives elected by the electorate across the country. The National Assembly is the highest organ of State power of the Socialist Republic of Vietnam. The National Assembly is the only organ with constitutional and legislative powers. The National Assembly shall decide on fundamental domestic and foreign policies, socio-economic tasks, national defense and security, and other important issues (Article 83, 1992 Constitution).

292. The citizen directly participates in the management of society by exercising the right to oversee the work of the State agencies, elected deputies, public employees and taking part in the formulation of State's policies and laws and in other activities.

293. The Law on Organization of the National Assembly stipulates that National Assembly deputies are under the supervision of voters. Once a year, deputies have to report to voters on the implementation of their tasks. The voters can, directly or through the Vietnam Fatherland Front, require the deputies to report on their work. The voters can also comment on the National Assembly deputies' work (Article 43).

294. During the implementation of their tasks, State cadres and public employees are also under the supervision of the people (Article 2, Decree on State Cadres and Public Employees). The citizen has the right to lodge complaints and denunciations with competent authorities (Article 1, Law on Complaints and Denunciations; Article 6, Ordinance on Anti-Corruption).

295. The citizen has the right to present views on the formation and implementation of the Party's and government policies and State's laws, to express opinions on domestic and world affairs; to air views, table proposal, criticise and denunciate in the media on the work of all Party organizations, State agencies, social organizations and members of these organizations (Article 4, Law on Press). The Law on Promulgation of Legal Documents prescribes that seeking people's opinions on draft laws and ordinances constitutes a step of the legislative building process. Depending on the nature and content of the draft laws and ordinances, the National Assembly and its Standing Committee decide the process of seeking people's opinions (Article 39). People's opinions on the draft laws and ordinances must be collected and processed in order to make necessary changes to the drafts and report to the National Assembly Standing Committee (Article 41).

296. The Education Law, Law on Science and Technology, and Law on Drugs Control provides for the rights and obligations of every citizen in fostering and developing education, science and technology, and controlling drugs (Article 11, the Education Law; Article 7, Law on Science and Technology; Article 6, Law on Drugs Control).

297. The recently promulgated Ordinance on the organization and operation of the reconciliatory groups at grass-root level has stimulated the sense of autonomy among the people, encouraging them to participate in resolving local issues. Under this Ordinance, reconciliatory groups are set up at hamlets, villages and residential units in accordance with the laws, social morality, traditions and customs of the local people in order to reconcile small disputes and wrong doings, which is not serious enough to be dealt with by administrative or criminal measures (Articles 3 and 7).

298. By and large, the legal system contains rather comprehensively provisions and regulations on the rights of the citizen to participate in the management of social affairs covering from the State level to local communities.

Article 26

The Right Not To Be Discriminated Before the Law

299. This has been mentioned and analyzed in the sections concerning the implementation of Articles 2 and 14 of this Convention.

Article 27

The Right of Ethnic Minority Groups

300. The consistent policy of the Vietnamese State towards ethnic minority groups is to ensure equality, solidarity, mutual assistance for common development. Embarking on the renewal period when the Vietnamese economy began to operate according to market mechanism with state regulation, the State has placed more emphasis and attention on ethnic people with a view to achieving social equality. The objective is to recognize and safeguard in all aspects the rights of all ethnic groups living in the Vietnamese territory regardless of their population size.

301. Article 5 of the 1992 Constitution stipulates that: "The Socialist Republic of Vietnam is a unified State for all ethnic groups living in the territory of Vietnam. The State carries out a policy of equality, solidarity and mutual assistance among all ethnic groups and forbids all acts of national discrimination and division. Every ethnic group has the right to use its own language, script, to preserve its own identity and to promote its customs, habits, traditions and culture."

302. The Vietnamese State set out specific development guidelines, policies and measures suitable to the conditions in ethnic and mountainous regions.

303. Based on particular characteristics of each ethnic region, and stemming from the fact that there exist ethnic groups of different levels of socio-economic development living together, the Government has elaborated different targeted programs aimed at assisting each ethnic group and sub-region in its development process particularly the programs on hunger eradication and poverty alleviation, the programs for socio-economic development in communes of extreme difficulty and those in mountainous and remote areas; projects on assisting ethnic groups of extreme difficulty, on constructing centers of groups of communes, on subsidizing fees and prices, on people's settlement, on substituting opium poppies. With policy mechanism and measures adapted to each region and nationality. With the assistance of the State, ethnic regions benefiting from such programs and projects have witnessed major changes, from poverty and backwardness to sufficiency and prosperity. Many ethnic groups and regions have seen remarkable development over the past 15 years.

304. As the political rights of ethnic minorities, Article 54 of the 1992 Constitution stipulates: "The citizen, regardless of ethnicity, sex, social background, religious belief, education, occupation, time of residence, shall, upon reaching the age of eighteen, have the right to vote, and, upon reaching the age of twenty-one, have the right to stand for election to the National Assembly and the People's Councils in accordance with the provisions of the law". Article 9 of

the Law on Election of Members of the National Assembly stipulates that: "the number of members of the National Assembly from ethnic groups in each tenure of the Assembly is decided by its Standing Committee provided that ethnic minority groups have a proper proportion of members."

305. Out of 450 members of the tenth National Assembly (1997-2002 tenure), 78 are from ethnic minority groups, accounting for 17. 3 %. Particularly, People's Councils at various levels (province, district, and commune) all have representatives from ethnic minority inhabitants. In ethnic and mountainous areas, the number of civil servants from ethnic minority groups makes up a considerable proportion. Especially, some provinces such as Cao Bang, Lang Son, Hoa Binh, 90% of the civil servants of the local governments are from ethnic minorities.

306. Civil servants of ethnic minorities enjoy preferences in training for improved skills and appointment to the State apparatus. Many people of ethnic minority groups have been appointed to important leadership posts in organs of the National Assembly, Government as well as socio-political organizations. The rights to take part in state affairs have also been widely implemented in the regions of ethnic minority groups. This is manifested by the fact that many heads of Province and departments in localities are of ethnic minorities.

307. Apart from two central organs in charge of ethnic affairs, i.e. the Council for Ethnic Affairs of the National Assembly and the Committee for Mountainous and Ethnic Affairs of the Government, there exist in all Ministries, agencies, socio-political organizations and localities relevant units and organizations in charge of supervising, promoting, and rectifying the implementation of ethnic policies in ethnic and mountainous areas.

308. Concerning the implementation of civil rights of ethnic minorities, the State has promulgated numerous specific regulations and directives to implement the Code's provisions in ethnic areas.

309. On August 9, 2000, the Prime Minister issued the Directive No. 15/2000/CT-TTg assigning the Committee for Mountainous and Ethnic Affairs to take the lead in drafting of a Resolution guiding the implementation of the 2000 Law on Marriage and Family taking stock of such backward customs of the ethnic minority people on marriage and family, which should be abolished and fine customs of ethnic minority groups, which need to be promoted.

310. The Law on Education introduces special preferential treatments for children of ethnic minorities. This is manifested by the establishment of a system of boarding schools for ethnic children in provinces, districts, and even in lower level of cluster communes. Article 6 of the Law on Education stipulates that: "The State ensures necessary conditions for the implementation of the universalization of primary education in ethnic minorities' and remote areas and right from the constructing new residential areas creates necessary conditions to implement the universalization of primary education in there places." At present, there are 346 boarding schools for ethnic minority children throughout the country, attracting nearly 60,000 pupils of ethnic minorities. All provinces have achieved the target of universalization of primary education for ethnic pupils.

311. Fifty-three out of 54 nationalities living in Vietnam are of ethnic minorities. Although their residential areas are intertwined, all ethnic groups, regardless of their population size, still manage to preserve their languages and scripts (if available). This is a vivid manifestation of the policy of respecting the right to use language and script as stipulated at Article 5 of the 1992 Constitution. Recently, the movements of learning ethnic script of Khmer, Cham, H'mong people have enjoyed attention from the Vietnamese State for their development. In ethnic minority areas, there exist bilingual programs at the Primary education level. Text books have been compiled in the languages of H'mong, Khmer, Cham, Bana, Giarai peoples.

312. The Voice of Vietnam Central Radio broadcasts its programs in 7 ethnic languages. The regional radio stations in the Central Highlands, Northwest and the Southwest maintain regular programmes in all ethnic languages of the regions. Since 1997, broadcasting programs in ethnic languages have had new contents aimed at improving knowledge for ethnic minorities on laws, production, healthcare, children' upbringing etc. In addition, the Voice of Vietnam has programmes called "Cultural exchanges among ethnic groups of Vietnam" to improve understanding among the ethnic groups, to preserve their identity, promote fine traditions and customs of peoples, at the same time advising them to abandon backward habits.

313. The State has also further carried its policies on respecting and promoting habits, customs and fine cultural traditions of ethnic groups, such as the Directive No. 39/1998/CT-TTg of December 3, 1998 of the Prime Minister on the promotion of cultural and information work in the mountainous and ethnic areas. To implement this Directive, the Ministry of Culture and Information and the Committee for Mountainous and Ethnic Affairs have developed programmes for coordinating activities to promote the preservation of cultural works and develop information in ethnic and mountainous areas in the 2000-2005 period. Many cultural heritages of nationalities have been located, utilized, compiled and introduced widely at home and abroad. Cultural products of each ethnic group are developed in the spirit that each ethnic group promotes their own cultural identity, at the same time inheriting cultural quintessence of others. They are contributing to the development of the whole country's culture, creating a unity in diversity of "an advanced Vietnamese culture imbued with national identity". In addition, the Vietnamese State also pays attention to the eradication of backward traditions and customs harmful to the lives of the compatriots of ethnic minorities. This is aimed at stabilizing and developing their lives.

314. Entering into the twenty-first century, given new favourable conditions and challenges, we fully appreciate the need to consolidate and strengthen our national unity so as to promote to the utmost the internal potential of each ethnic group, each region, and to unleash every productive capability of the whole nation in the social advancement to fulfil President Ho Chi Minh's simple dream that "Everyone has adequate access to food, clothing and schooling".

CONCLUSION

315. Having ratified the Covenant on Civil and Political Rights since 1982, Vietnam has made tireless efforts to fulfill its commitments. In the course of national construction and development, the State and people of Vietnam are striving for the goals of "a wealthy people, a strong nation, a just, democratic and civilized society." These goals are in accordance with the rights embodied in the Convention.

316. During the past 5 years (1997 - 2001), Vietnam has continued its comprehensive reform process, gradually integrating into the regional and international economy. With the foreign policy of independence, and self-determination under the motto that "Vietnam wishes to be a friend and reliable partner of all countries in the world community, striving for peace, independence and development", Vietnam has recorded many encouraging achievements in all fields. The material and spiritual life of the people have been constantly improved and enhanced. The people's intellectual level in general, and the citizen's understanding about and awareness of laws in particular, have been considerably improved. These achievements create favourable conditions for the country to enter into the period of industrialization and modernization. The achievement at the same time serve as an impetus for the implementation of the Covenant.

317. Along with important renovations in the political system, the expansion of democracy to the grass-root level, the translation into practice of the motto "let the people know, discuss, implement and monitor our state affairs", and the promotion of autonomy in production and business have created a confident and jubilant ambiance among the people. The establishment of a State governed by the rules of law is one of the essential tasks of Vietnam in the renewal process. Recognizing the importance of this task, the Government of Vietnam has devoted best efforts in building and strengthening the legal system in order to establish adequate and firm basis, as well as sufficient institutions, for the implementation of the citizens' rights embodied in the Convention.

318. President Ho Chi Minh has said: "if the country is independent but the people cannot enjoy happiness and freedom, that independence is meaningless". Bearing that in mind, the State of Vietnam has been doing its best for the nation's prosperity and the people's happiness. Therefore, the policy of comprehensive renewal pursued by the Communist Party and State of Vietnam over the past years has been translated into reality.

319. Despite the encouraging achievements recorded over the past 5 years, the State and People of Vietnam are always aware of the numerous difficulties and obstacles to be overcome to further promote the implementation of the Covenant. Those include the problems faced by the country developing from a backward economy, with heavy consequences of war, and a low level of intellectual development; the state apparatus, together with the legal system are still being under the process of consolidation. Likewise, the unpredictable developments in the socio-economic situation in the region and the world also present considerable challenges, requiring the State and people of Vietnam to maintain constant effort in building and developing the country as well as implementing the Covenant.

320. Implementing the goals of "a wealthy people, a strong nation, a just, democratic and cultured society" for which the State and People of Vietnam are now striving, is indeed the stringent implementation of the rights enshrined in the Covenant. To achieve these goals, the State has been putting forward appropriate policies and measures appropriate to concrete conditions and situation of the country. Those efforts are being supported by the people of all social segments.

321. While deeply conscious that the protection of human rights in each country is the first and foremost responsibility of that country, the State of Vietnam also realizes that international solidarity and cooperation, on the basis of mutual understanding and respect for the independence and sovereignty of other countries, are of extremely importance in ensuring the success of this cause.

Appendix 1

Codes and Laws promulgated between 4/1995 and 12/2000

Chronological Order	Passage Date	Names of Laws & Codes	Number	Agencies of issuance
1	30/04/1995	Law on State-owned Enterprises	39-L/CTN	National Assembly
2	09/11/1995	Civil Code	44-L/CTN	National Assembly
3	09/11/1995	Revised Law on Organization of People's Court	43-L/CTN	National Assembly
4	03/04/1996	Co-operative Law	47-LCTN	National Assembly
5	23/11/1996	Law on Foreign Investment in Vietnam	52-L/CTN	National Assembly
6	23/11/1996	Law on Promulgation of Legal Normative Documents	52-L-CTN	National Assembly
7	17/04/1997	Law on Election of Deputies to National Assembly	56-L/CTN	National Assembly
8	22/05/1997	Law on Value Added Tax	57-L/CTN	National Assembly
9	26/12/1997	Law on State Bank of Vietnam	06/1997/QHX	National Assembly
10	26/12/1997	Law on Credit Institutions	07/1997/ QHX	National Assembly
11	01/061998	Law on the Encouragement of Domestic Investment (amended)	03/1998/ QH 10	National Assembly
12	01/06/1998	Law on Vietnamese Citizenship	07/1998/ QH 10	National Assembly
13	02/12/1998	Law on Citizen's Claims and Denunciations	10/1998/ QH 10	National Assembly
14	02/12/1998	Revised Land Law	10/1998 QH 10	National Assembly
15	02/12/1998	Law on Education	11/1998 QH10	National Assembly
16	12/06/1999	Revised Law on the Press	12/1999 QH 10	National Assembly
17	12/06/1999	Enterprises Law	13/1999/ QH10	National Assembly
18	12/06/1999	Law on Vietnam Fatherland Front	14/1999/ QH10	National Assembly
19	13/01/2000	Criminal Code	15/1999/ QH10	National Assembly
20	13/01/2000	Law on Vietnam Army Officers	16/1999/ QH10	National Assembly
21	28/06/2000	Revised Law on Foreign Investment in Vietnam	18/2000 QH10	National Assembly
22	28/06/2000	Revised Criminal Procedures Code	20/2000 QH10	National Assembly
23	28/06/2000	Law on Marriage & Family	22/2000 QH10	National Assembly
24	22/12/2000	Law on Drug Prevention & Control	23/2000 QH10	National Assembly

Appendix 2

Ordinances Promulgated between 06/1995 and 05/2000

Chronological Order	Passage Date	Names of Ordinances	Number	Agencies of Issuance
1	12/06/1995	Ordinance on HIV/AIDS Prevention & Control	40-L/CTN	National Assembly Standing Committee
2	19/07/1995	Ordinance on Administrative Violation Settlement	41-L/CTN	National Assembly Standing Committee
3	24/02/1995	Ordinance on National Assembly Standing Committee's Supervision and Instruction, Government's Instruction and Inspection to the People's Council	46-L/CTN	National Assembly Standing Committee
4	20/4/1996	Ordinance on Procedures for Labor Disputes Resolution	48-L/CTN	National Assembly Standing Committee
5	3/6/1996	Ordinance on Procedures for Administrative Cases	49-L/CTN	National Assembly Standing Committee
6	3/7/1996	Ordinance on Rights and Obligations of People's Councils and People's Committees at different levels	50-L/CTN	National Assembly Standing Committee
7	9/3/1998	Ordinances on Public Officials and Employees	02-L/CTN	National Assembly Standing Committee
8	9/3/1998	Ordinance on Corruption Control	02-L/CTN	National Assembly Standing Committee
9	30/7/1998	Ordinance on Disabled People	06/1998/PL-UBTVQH 10	National Assembly Standing Committee
10	20/8/1998	Ordinance on Signing and Implementing International Treaties	07/1998/PL-UBTVQH 10	National Assembly Standing Committee
11	25/12/1998	Revised Ordinance on Procedures for Administrative Cases	10/1998/PL UBTVQH 10	National Assembly Standing Committee
12	16/9/1999	Ordinance on Public Labor Contributions	15/1999/PL UBTVQH 10	National Assembly Standing Committee
13	12/5/2000	Revised Ordinance on Corruption Control	21/2000/PL UBTVQH 10	National Assembly Standing Committee
14	12/5/2000	Revised Ordinance on Corruption Control	22/2000/PL UBTVQH 10	National Assembly Standing Committee
15	12/5/2000	Ordinance on the Aging People	23/2000/PL UBTVQH 10	National Assembly Standing Committee
16	12/5/2000	Ordinance on Entry, Exit, Residence & Travel of Foreigners in Vietnam	24/2000/PL UBTVQH 10	National Assembly Standing Committee

Appendix 3

Decrees promulgated between 4/1996 and 2/1999

	Passage Date	Names of Decrees	Number	Agencies of Issuance
1	06/04/1996	Decree on Education Regulations for legal violators in communes, precincts and towns	19/CP	Government
2	31/10/1996	Decree on information and press activities of foreign correspondents, foreign agencies and organizations in Vietnam	67/CP	Government
3	5/3/1997	Decree on Temporary Regulations for management, establishment and use of INTERNET in Vietnam	21/CP	Government
4	14/4/1997	Decree on Administrative Custody	31/CP	Government
5	7/8/1997	Decree on Meetings with Citizens	89/CP	Government
6	13/9/1997	Decree on Vietnamese press activities relating to foreign press	98/CP	Government
7	22/1/1998	Decree on Establishment of State Business Associations in Vietnam	08/1998/ ND-CP	Government
8	17/8/1998	Decree on Implementation of Ordinance on Corruption Control	64/1998/ ND-CP	Government
9	8/9/1998	Decree on Democracy at State Agencies	71/1998/ ND-CP	Government
10	10/10/1998	Decree on Household Registration	83/1998/ ND-CP	Government
11	7/11/1998	Decree on Temporary Arrest and Detention	89/1998/ ND-CP	Government
12	31/12/1998	Decree on Implementation of Law on Vietnamese Citizenship	104/1998/ ND-CP	Government
13	13/2/1999	Decree on Democracy in State-owned Enterprises	07/1999/ ND-CP	Government

Appendix 4

Statistics on Religions in Vietnam

(According to 1997 Statistics and Reports)

No.	Names of religions	Number of Religious followers	Number of Clergy	Number of Worshiping Places	Note
1	Buddhism	7 620 803	31 845	14 544	"ordained"
2	Catholicism	5 028 480	10 795	5 456	
3	Protestantism	More than 500 000	611	499	
4	CaoDai	1 147 527	15 848	1 037	
5	HoaHao	1 306 969	0	196	
6	Islam	93 294	454	89	
	Total	15 697 073	59 553	21 294	
		Nearly 16 million	Nearly 60 000		

Statistics of religious dignitaries and clergy

*Religious dignitaries and clergy

- *Buddhism*	27 884
+ Most Venerable	241
+ Chief nuns:	32
+ Venerable:	452
+ Nuns:	331
+ Bhiksu, Bhiksuni, Novices:	26 828
- *Catholicism:*	14 396
+ Bishops:	33
+ Priests:	2 200
+ Monks:	1 514
+ Nuns:	10 647
+ Seminarians:	548
- *Protestantism:*	661
+ Ministers:	161
+ Missionaries:	450
- *Different sects of CaoDai:*	5 608
+ Islam:	734
+ Hoahao Buddhism:	61
Total:	49 344

Statistics on Catholicism Training

Names of Seminaries	Number of seminarians	Number of Graduates
Hanoi Grand Seminary	358	119
VinhThanh Grand Seminary	171	85
Hue Grand Seminary	132	40
Saobien Grand Seminary (NhaTrang)	188	99
Juse Grand Seminary (HCM.city)	452	177
ThanhQuy Grand Seminary (CanTho)	290	134
Total	1 591	654